

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 1. Definitions.

Section 110000. Meaning of Words.

Words shall have their usual meaning unless the context or a definition clearly indicates a different meaning. Shall means mandatory. May means permissive.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110042. Application.

"Application" means a written or electronic document provided by a local child support agency in which an individual requests support services and which is signed by the individual.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17406 and 17801, Family Code; Section 11478.1, Welfare and Institutions Code; and 45 Code of Federal Regulations, Sections 302.15, 302.33 and 303.2.

Section 110046. Arrears or Arrearage or Arrearages.

"Arrears" or "arrearage" or "arrearages" means the unpaid child support payments for past periods owed by a parent who is obligated to pay by court order. The arrears or arrearage or arrearages include interest and are adjusted for the amount of any partial satisfactions of the judgment.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code; and Section 695.210, Code of Civil Procedure.

Section 110088. Business Day.

"Business day" means any day that is not a Saturday, Sunday, or holiday as specified in Sections 6700 and 6701 of the Government Code.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110099. Case.

"Case" means a noncustodial parent, whether mother, father, or alleged father, a custodial party, and a dependent child or children. The custodial party may be one of the child's parents, or other relative or caretaker including a foster parent. If both parents are absent and liable or potentially liable for the support of the child(ren), each parent is considered a separate case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

Section 110109. Case Record.

"Case record" means a file containing all information and documents pertaining to the case, including all relevant facts, dates, and actions taken related to the case, and all contacts made and the results of those contacts. The case record is the property of the local child support agency.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 45 Code of Federal Regulations, Section 303.2.

Section 110129. Child Support.

"Child support" means amounts required to be paid under a judgment, decree, or order, whether temporary, final, or subject to modification, for the support and maintenance of a child or children, which provides for any or all of the following: monetary support, health insurance coverage, arrears, and may include interest on delinquent child support obligations.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3600, 4054 et seq., 17212 and 17801, Family Code; and 42 U.S.C., Section 659.

Section 110135. Child Support Order.

“Child support order” means any court or administrative order for the payment of a set or determinable amount of support of a child by a parent, or a court order requiring a parent to provide for health insurance coverage for a child, or a court order requiring a parent to make payment of arrears. “Child support order” includes any court order for spousal support or for medical support to the extent these obligations are to be enforced by a single state agency for child support under Title IV-D of the federal Social Security Act (commencing with section 651 of Title 42 of the United States Code).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

Section 110147. Complainant.

"Complainant" means a custodial party or noncustodial parent who has made a complaint to a local child support agency or requested a state hearing.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17801, Family Code.

Section 110148. Complaint.

"Complaint" means the complainant's oral or written statement of an unresolved dispute and a request for resolution regarding any action or inaction of a local child support agency, or the Franchise Tax Board, concerning his/her child support case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800, 17801 and 17802, Family Code.

Section 110150. Complaint Resolution Process.

"Complaint resolution process" means the actions required by the local child support agency to resolve complaints as specified in Chapter 10, Article 2.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

Section 110164. County.

"County" means one of the fifty-eight administrative subdivisions in the State of California.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110182. Custodial Party.

"Custodial party" means the person having primary care, custody and control of the child(ren) and who is/are receiving or has applied to receive services under Title IV-D of the federal Social Security Act (commencing with Section 651 of Title 42 of the United States Code).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110184. Custody Determination.

"Custody determination" means a judgment, decree or order of a court providing for the custody of a child.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(1) Amend Section 110186 to read as follows:

Section 110186. Customer.

"Customer" means custodial parties, noncustodial parents, employers, and the public who make inquiries or raise questions about child support services.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110194. Day.

"Day" means calendar day unless otherwise specified.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110200. Department.

"Department" means the California Department of Child Support Services.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

Section 110220. Director.

"Director" means the Director of the California Department of Child Support Services.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

Section 110224. Disbursed or Disbursement.

"Disbursed" or "disbursement" means the dispensing or paying out of a collection.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110230. Distributed or Distribution.

"Distributed" or "distribution" means the application of monies to specific accounts to determine the appropriate disbursement of monies.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110252. Enforcement.

"Enforcement" means actions taken to obtain payment of a child, family, medical, or spousal support obligation contained in a child support order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110261. Establishment.

"Establishment" means the process of legally determining paternity and/or obtaining a court or administrative order to put a child support obligation in place.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110289. Federal Parent Locator Service.

"Federal Parent Locator Service (FPLS)" means a computerized national location network operated by the federal Office of Child Support Enforcement (OCSE) within the Department of Health and Human Services (DHHS). FPLS obtains address and employer information, as well as data on child support cases in every state, compares them and returns matches to the appropriate states. FPLS includes the Federal Case Registry (FCR) and the National Directory of New Hires (NDNH).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17212, Family Code; Section 11478.1, Welfare and Institutions Code; 42 United States Code, Section 653; and 45 Code of Federal Regulations, Section 301.1.

Section 110341. Hearing Date.

"Hearing date" means the date of the state hearing which shall be deemed to include the period from the opening of the record to the close of the record, including any continuances that may have been granted.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802 and 17804, Family Code.

Section 110410. Local Child Support Agency.

"Local child support agency" means the county office or department that has entered into a cooperative agreement with the California Department of Child Support Services to secure child, spousal and medical support, and determine paternity.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

Section 110431. Medical Support.

"Medical support" means the court-ordered requirement that one or both parents provide health insurance coverage, which can include vision and/or dental care, for a dependent child.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3750, 3751, 4062, 4063, 17306, 17310, 17312, 17400 and 17415, Family Code; and 45 Code of Federal Regulations, Sections 302.80, 303.30 and 303.31.

Section 110436. Modification.

"Modification" means a court-ordered change or alteration of a child support order.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(2) Amend Section 110445 to read as follows:

Section 110445. National Directory of New Hires.

"National Directory of New Hires" means a national database containing new hire and quarterly wage data from every state and federal agency and unemployment insurance data from state employment security agencies. Data contained is first reported to each state's State Directory of New Hires and then transmitted to the National Directory of New Hires. The Office of Child Support Enforcement maintains the National Directory of New Hires as part of the expanded Federal Parent Locator Service.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 42 United States Code, Section 653(h).

Section 110456. Noncustodial Parent.

"Noncustodial parent" means the parent of the child(ren) that may be or is obligated to pay child support.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17800, 17801, 17802 and 17803, Family Code;
and Section 11478.1, Welfare and Institutions Code.

Section 110474. Obligor.

"Obligor" means an individual, or the estate of a decedent, who owes a duty of support.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17212, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110478. Ombudsperson.

“Ombudsperson” means the person designated within each local child support agency to be the lead administrator of the Ombudsperson Program.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110479. Ombudsperson Program.

"Ombudsperson Program" means the person, persons, or office so designated within each local child support agency to provide a means to resolve customer issues related to child support services. Issues may include inquiries, questions, or requests for assistance or facilitation in navigating the local complaint resolution and state hearing processes.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110609. Spousal Support.

“Spousal support” means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17415, 17800 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110610. Spousal Support Order.

"Spousal support order" means an order for the payment of spousal support to a spouse or former spouse of the obligor.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17212, 17800 and 17801, Family Code; and Section 11478.1, Welfare and Institutions Code.

Section 110618. State Hearing.

"State hearing" means an administrative hearing mandated by state law whereby a complainant may obtain an impartial review of a local child support agency or Franchise Tax Board action or inaction regarding a child support case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802 and 17804, Family Code.

Section 110658. Title IV-A.

"Title IV-A" means Title IV of the federal Social Security Act, Part A, Block Grants to States for Temporary Assistance for Needy Families, codified at 42, U.S.C., Section 601, et seq.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110659. Title IV-B.

"Title IV-B" means Title IV of the federal Social Security Act, Part B, Child and Family Services, codified at 42, U.S.C., Section 620 et seq.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 110660. Title IV-D.

"Title IV-D" means Title IV of the federal Social Security Act, Part D, Child Support and Establishment of Paternity, codified at 42, U.S.C., Section 651 et seq.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17000, Family Code.

Section 110661. Title IV-E.

"Title IV-E" means Title IV of the federal Social Security Act, Part E, Federal Payments for Foster Care and Adoption Assistance, codified at 42, U.S.C., Section 670 et seq.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

- (3) Amend Article 5, Section 111420 to read as follows:

Article 5. Records Management.

Section 111420. Record Maintenance.

Each local child support agency shall maintain records necessary for the administration of the Title IV-D program, and the date of each, including all of the following:

- (a) Applications for child support services.
- (b) Actions to locate noncustodial parents, to establish paternity and to obtain, modify, and enforce support orders, including medical support, and the costs incurred in such actions. This includes any relevant facts, ~~dates~~, and actions taken by the local child support agency and the results of such action.
- (c) The amounts and sources of support collections and the distribution of these collections.
- (d) Any fees charged or paid for support enforcement services, or any other administrative costs.
- (e) Any statistical, fiscal, and other records necessary for reporting and accountability pursuant to 45, Code of Federal Regulations, Section 302.15 (a)(7).
- (f) All records pertaining to complaint resolution specified in Chapter 10.
- (g) Any other information and documents not required by subsections (a) through (f) pertaining to the case.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 45 Code of Federal Regulations, Sections 302.15 and 303.2.

(4) Amend Section 111430 to read as follows:

Section 111430. Safeguarding and Confidentiality of Child and Spousal Support Information.

(a) Child and spousal support information used in the administration of the Title IV-D Program shall be considered confidential and shall not be disclosed for any purpose not directly connected with the administration of the child and spousal support enforcement program, unless expressly authorized under this Article. For the purposes of this Article, information means all files, applications, papers, documents, and records including those maintained in an electronic format, on microfilm or microfiche.

(b) Information considered confidential under this Article consists of:

(1) Child and spousal support enforcement records related to:

(A) Determination of paternity.

(B) Establishment, modification, and/or enforcement of child support and medical support orders.

(C) Establishment, modification, and/or enforcement of spousal support orders.

(2) Information related to abducted children or the location of the concealing, detaining, or abducting person.

(3) Information related to crimes against a child.

(c) All records and information obtained from other sources such as the Federal Parent Locator Service, Department of Motor Vehicles, Department of Justice and private financial institutions shall be safeguarded in accordance with the requirements set forth by those sources.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17212, Family Code; Section 11478.1, Welfare and
Institutions Code; and 45 United States Code, Section 654 (26).

(5) Amend Section 111440 to read as follows:

Section 111440. Disclosure of Information.

(a) Disclosure of information specified in Section 111430 is authorized as follows:

(1) Information may be disclosed to public agencies for administrative, civil, or criminal investigations, actions, proceedings, or prosecutions directly related to the administration of the Title IV-D program, and other entities as permitted by state or federal law.

(2) Information may be disclosed to the local agency responsible for the administration of the Title IV-D program in another state.

(3) Information may be disclosed to the local agency responsible for the following programs funded under the federal Social Security Act:

(A) Title IV-A.

(B) Title IV-B.

(C) Title IV-E.

(4) A document requested by the person who wrote, prepared, or furnished the document may be disclosed to that person or his/her designee, if the designee has written authorization.

(5) A payment history of an obligor pursuant to a support order may be disclosed to the obligor, court, or person on whose behalf enforcement actions are being taken or to his/her designee, if that designee has written authorization.

(6) Income and expense information of either parent may be

disclosed to the other parent or custodial party for the purpose of establishing or modifying a child support order.

(7) Medical insurance information for a child may be disclosed to the other parent or person having custody of the child for the purpose of establishing, modifying, or enforcing a medical support order.

(8) Any information required to be disclosed by a court order may be disclosed to the person designated in the court order.

(9) Public records subject to disclosure under the Public Records Act may be disclosed.

(10) Information may be disclosed to the courts for Title IV-D related activities.

(11) Information may be disclosed to a district attorney, law enforcement agency, state or county child protective agency, or for use in any judicial proceeding, to the extent permitted by federal and state law and regulation, for the following purposes:

(A) In aiding or assisting in the investigation or prosecution of cases involving child abduction.

(B) The prosecution of a crime against a child.

(C) For the protection of a child.

(12) Information may be disclosed to individuals who are authorized access to information from the Federal Parent Locator Service.

(b) Notwithstanding any other provision in these regulations, the disclosure of information on the whereabouts of one party or the child to the other party shall be prohibited in any of the following circumstances:

(1) The local child support agency has reason to believe that release of the information may result in physical or emotional harm to the party or the child; or

(2) A good cause claim, pursuant to Section 11477.04 or Section 14008.6, Welfare and Institutions Code, has been approved or is pending; or

(3) A protective order has been issued by a court or administrative agency.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 3752(c) and 17212, Family Code; and Sections 11477.04, and 11478.1 and 14008.6, Welfare and Institutions Code.

Section 111450. Record Retention.

All closed Title IV-D case records shall be retained for four years and four months from the date of case closure, except case records that are the subject of any of the following, which shall be retained until the closure of:

- (a) An open federal or State audit.
- (b) A pending civil litigation, or a court order requiring such

records be maintained for an extended period.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: 45 Code of Federal Regulations, Sections 302.15 and 303.11(d).

(6) Amend Section 111460 to read as follows:

Section 111460. Record Disposal.

(a) Each local child support agency shall ensure that the records maintained pursuant to Section 111420 are disposed of as specified below.

(b) Confidential records shall be destroyed in one of the following manners:

- (1) Shredding.
- (2) Recycling which results in destruction of the records.
- (3) Burning.
- (4) Erasure.
- (5) Obliteration.
- (6) Burial.
- (7) Permanently deleting, erasing, and/or purging electronic,

microfilm, and microfiche records from computers, hard-drives, floppy disks, magnetic media, and other software programs. Electronic documents that have been printed or reproduced into a hard copy shall be destroyed as specified in subparagraphs (1) through (6) above.

(c) Records destroyed as specified in subsection (b)(6), shall be obliterated in a manner that ensures the information contained in these records is indecipherable prior to burial.

(d) Records containing criminal history information not related to the parent's failure to provide support, shall be destroyed as specified in subsection (b) within four years and four months of the date the case was closed.

(e) If the records specified in this Article are destroyed by a third party,

a local child support agency shall include a confidentiality clause in the contract
with the third party to ensure record confidentiality through destruction.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17531, Family Code.

~~Section 12-303-RECORD RETENTION~~

~~.1 — Closed Title IV-D case records shall be retained for a minimum of three years from the date the State Department of Social Services submits the last expenditure report for the last quarter of the federal fiscal year to the Department of Health and Human Services.~~

~~.11 — Records and supporting documentation shall be retained longer when:~~

~~.111 — They are the subject of an open federal and state audit.~~

~~.112 — They are the subject of a pending civil litigation or when a court orders that such records be retained for an extended period.~~

~~NOTE: Authority cited: Sections 10554, 11475 and 11479.5, Welfare and Institutions Code. Reference: 45 CFR Section 303.11(d); 45 CFR Part 74, Subpart D, Sections 74.20, 21(a) and (b) and 22(a); and Section 11479.5, Welfare and Institutions Code.~~

Article 6. Customer Service.

Section 111540. Ombudsperson Program--General Requirements.

Each local child support agency shall:

- (a) Adopt and maintain an ombudsperson program, as described in this Article.
- (b) Appoint a lead ombudsperson with the qualifications specified in Section 111541 who shall be responsible for the operations of the ombudsperson program.
- (c) Provide sufficient staff to operate the ombudsperson program.
- (d) Provide ombudsperson staff with access to local child support agency records to perform the duties and responsibilities of the ombudsperson program.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Section 111541. Lead Ombudsperson Qualifications.

The lead ombudsperson shall possess knowledge of:

- (a) The principles of customer service.
- (b) The child support program.
- (c) The organizational structure, practices and procedures of the local

child support agency.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(7) Amend Section 111542 to read as follows:

Section 111542. Ombudsperson Responsibilities.

(a) The ombudsperson program shall provide, as appropriate, assistance to custodial parties, noncustodial parents, employers and the public:

(a1) On inquiries about the child support program, local complaint resolution process and state hearings.

(b2) On issues regarding actions taken by the local child support agency and/or Franchise Tax Board.

(e3) By reviewing inquiries and issues and resolving them or making recommendations to resolve them prior to a complaint being filed.

(e4) By assisting custodial parties and noncustodial parents in navigating through the local complaint resolution and state hearing processes.

(e5) By providing written, Department approved informational materials, related to the ombudsperson program, the local complaint resolution process, the state hearing process, and/or other child support related information.

(6) By referring customers to the Family Law Facilitator, or local legal aid office, as appropriate or upon request.

(b) The Ombudsperson shall be the liaison with the State Hearing Office to arrange for a hearing facility in the county.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

(8) Amend Section 111543 to read as follows:

Section 111543. Data Collection and Information Reporting.

The ombudsperson program shall:

(a) Assess customer satisfaction with the local child support agency's actions regarding their his/her inquiry, issue, dispute, or complaint with the local child support agency.

(b) Compile, maintain and report to the Department within 40 15 business days after the end of the calendar quarter the number and type of inquiries, issues, disputes and/or complaints received by the ombudsperson.

(c) Analyze the data required by subsection (b) and the complaint resolution information required by Section 120108, and identify and report systemic issues to the Department within 30 business days after the end of the calendar quarter.

(d) Compile and maintain other information required by the Department upon request.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17306, 17310 and 17312, Family Code.

Subchapter 2. Fiscal Administration. (Reserved)

Subchapter 3. Administrative Reporting.

Chapter 2. Case Intake.

Chapter 3. Locate.

Chapter 4. Establishing Paternity. (Reserved)

Chapter 5. Establishment/Modification of Support Orders. (Reserved)

Chapter 6. Enforcement of Support Orders. (Reserved)

Chapter 7. Interstate Cases.

Chapter 8. Case Closure.

Chapter 9. Collection and Distribution of Child Support. (Reserved)

Chapter 10. Complaint Resolution.

Article 1. Definitions.

Section 120001. Administrative Law Judge.

“Administrative Law Judge” means a person designated by the Director to conduct child support state hearings, and who shall have been admitted to practice law in California, and shall possess such other qualifications as prescribed by the California State Personnel Board.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

Section 120002. Authorized Representative.

"Authorized representative" means an individual or a representative from an organization that has been authorized by a complainant to act on behalf of the complainant in any and all aspects of a state hearing.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(9) Amend Section 12003 to read as follows:

Section 120003. Complaint Receipt Date.

"Complaint receipt date" means the date when a local child support agency initially receives a complaint from a complainant, or receives a transferred complaint from another county.

(a) A written complaint shall be deemed to be received in one of the following ways:

(1) If mailed, five (5) business days from the date the request ~~or complaint transfer~~ is postmarked. If the postmark is illegible, the date the request is received and date stamped by a local child support agency.

(2) If hand delivered, the date the request is received and date stamped by a local child support agency.

(b) An oral complaint shall be deemed to be received as of the date a complainant speaks to a local child support agency representative, asks to file a complaint, and provides the information that is the basis of a complaint to a local child support agency.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

Section 120004. Proposed Decision.

"Proposed decision" means the state hearing decision submitted by an
Administrative Law Judge to the Director or Director's designee for adoption.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

Section 120005. State Hearing Office.

"State Hearing Office" means the division that conducts state hearings in the office or agency designated by the Department to carry out state hearings.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801, 17802, 17803 and 17804, Family Code.

(10) Amend Article 2, Section 120100 to read as follows:

Article 2. Local Complaint Resolution Process.

Section 120100. General Provisions.

(a) Each local child support agency shall:

- (1) Adopt and maintain the complaint resolution process specified in this Article.
- (2) Not discourage a complainant from filing a complaint or requesting a state hearing.
- (3) Not refuse to assist a complainant in requesting a state hearing.
- (4) Track and report complaints in the Department's complaint resolution tracking system.

(b) This Article shall:

- (1) Be interpreted in a manner that complies with Chapter 1, Program Administration, Article 5, Records Management regulations.
- (2) Be interpreted in a manner that protects a complainant's right to complaint resolution.
- (3) Not be interpreted in a manner that alters other statutory or regulatory time frames or requirements for taking other child support actions.

(c) If the last date for the performance of any act required within a time frame specified by this Article or the provisions of Chapter 5 of Division 17 of the Family Code (commencing with Section 17800) is not a business day, then such period shall be extended to the next business day.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800, 17801, 17802 and 17804, Family Code.

(11) Amend Section 120101 to read as follows:

Section 120101. Right to Complaint Resolution.

(a) A complainant shall have the right to make a request for complaint resolution subject to the requirements of this Article. The subject of a complaint may pertain to any local child support agency or Franchise Tax Board child support action or inaction, except the following:

(1) Complaints arising from a child support matter which must, by law, be addressed by motion, order to show cause, or appeal, in a court of law, unless an administrative review is provided for by statute.

(2) A review of any of the following:

(A) A court order for child support or child support arrears.

(B) A court order or equivalent determination of paternity.

(C) A court order for spousal support.

(3) Child custody determinations.

(4) Child visitation determinations.

(b) All requests for complaint resolution shall:

(1) Be made within 90 days after a complainant knew, or should have known of the complained of child support action or inaction. A complainant shall be presumed to have known of a complained of action or inaction under the following circumstances:

(A) Five (5) business days after the postmark date of the written notice regarding an action or inaction which is the basis of a complaint.

(B) In the absence of any evidence to the contrary, the

date a complainant alleges knowledge for the basis of a complaint, or the date a complainant notified a local child support agency of the subject of the complaint.

(2) Be directed to a local child support agency.

(A) Each local child support agency shall encourage, but not require, a complainant to make a written complaint on the "Request for Complaint Resolution," LCR001, dated ~~(06/04)~~ (12/01), incorporated by reference herein.

(B) Each local child support agency shall document a complainant's oral complaint on the "Request for Complaint Resolution," LCR001, dated ~~(06/04)~~ (12/01), and mail a copy of the completed LCR001 to the complainant no later than five (5) business days after receiving an oral complaint. The local child support agency shall mail to the complainant the forms required by Section 120102.

(3) Include the following information:

(A) A complainant's name and address, and if available, phone number, FAX number, and e-mail address.

(B) The local child support agency case number.

(C) A description of the local child support agency or Franchise Tax Board action or inaction a complainant requests to have resolved.

(c) A request for complaint resolution shall not be deemed invalid for failure to include all the information required by subsection (b)(3)(A), (B) or (C).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

(12) Amend Section 120102 to read as follows:

Section 120102. Written Complaint Acknowledgement.

Within five (5) business days after the complaint receipt date, a local child support agency shall mail a "Request for Complaint Resolution Acknowledgement," LCR002, dated ~~(06/04)~~ (10/01), incorporated by reference herein, and a "Request for State Hearing," SH001, dated ~~(06/04)~~ (10/01), incorporated by reference herein to the complainant. The written complaint acknowledgement shall include an explanation of both of the following:

- (a) The complaint resolution process and time frames specified in this Article.
- (b) The state hearing process and time frames specified in Article 3.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

(13) Amend Section 120103 to read as follows:

Section 120103. Complaint Investigation.

(a) Each local child support agency shall assign a complaint investigator to investigate the complaint. A complaint investigator shall not be the individual whose action or inaction is the subject of a complaint, or an Ombudsperson.

(b) The complaint investigator shall within five (5) business days of the complaint receipt date, determine the jurisdictional authority of the local child support agency to resolve the complaint. The local child support agency that took the action, failed to take action, or requested the Franchise Tax Board to take action, shall have jurisdictional authority.

(1) If the subject of the complaint is outside the jurisdiction of the child support program or is one of the issues enumerated in Section 120101 (a), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 immediately, but in no event more than within 30 days ~~of~~ after the complaint receipt date. To the extent possible, the local child support agency shall refer the complainant to the appropriate agency for complaint resolution.

(2) If the proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency shall transfer the complaint pursuant to Section 120104, and notify the complainant by mailing the notice required by Section ~~420405~~ 120104 within five (5) business days of transferring the complaint.

(3) If the subject of the complaint is within the jurisdiction of the

child support program and the local child support agency, but the local child support agency believes the complaint is not eligible for complaint resolution because it was filed untimely pursuant to Section 120101(b), the local child support agency shall notify the complainant by mailing the notice required by Section 120105 within 30 days of the complaint receipt date. This subparagraph shall not be interpreted to prohibit the local child support agency from trying to assist the complainant to resolve the complaint or other outstanding issues that are not subject to the local complaint resolution process.

(c) The complaint investigator shall discuss and clarify, ~~if necessary,~~ the basis of the complaint with the complainant. The complaint investigator shall attempt to resolve the complaint to the satisfaction of the complainant.

(1) If the nature of the complaint is substantively modified based on the complaint investigator's discussion with the complainant, the local child support agency shall document the new complaint information on a "Complaint Amendment," LCR003, dated ~~(06/04)~~ (10/01), incorporated by reference herein, and mail the "Complaint Amendment," LCR003, to the complainant no later than five (5) business days after the complaint investigator's discussion with the complainant. The requirements of Section 120105 shall continue to apply to based on the original complaint receipt date.

(2) If the complaint is resolved to the satisfaction of the complainant, the local child support agency shall mail a written notice of complaint resolution pursuant to Section 120105.

(3) If the complaint is not resolved to the satisfaction of the complainant after the discussion between the complaint investigator and the

complainant, and further investigation is necessary, the complaint investigator shall do the following, as necessary appropriate:

- (A) Obtain pertinent case information regarding the subject of the complaint from the case worker(s) responsible for the action or inaction complained of, the Franchise Tax Board, and/or other agency.
- (B) Obtain additional information or documents from any appropriate source necessary for prompt resolution of the complaint.
- (C) Determine the local child support agency and/or Franchise Tax Board action required to resolve the complaint, if any. The local child support agency and/or Franchise Tax Board shall complete the required action within statutory time frames. In the absence of statutory time frames, the local child support agency and/or Franchise Tax Board shall complete the required action within 30 days after the complaint receipt date.
- (D) Determine the action required by a third party or other agency, if any, to resolve the complaint.
 - 1. The local child support agency shall inform such third party or other agency in writing of the action required to resolve the complaint, and facilitate the resolution of the complaint with such third party or other agency until the requested action is completed.
 - 2. The local child support agency shall inform the complainant pursuant to Section 120105 of the action(s) required by the complainant to resolve the complaint.
- (E) Prepare the written notice of complaint resolution pursuant to Section 120105.

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NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

(14) Amend Section 120104 to read as follows:

Section 120104. Complaint Transfer.

(a) Upon the local child support agency's determination that proper jurisdiction for the complaint is a local child support agency in another county, the local child support agency that received the complaint shall do both of the following:

(1) Complete a "Complaint Transfer," LCR004, dated ~~(06/01)~~ (10/01), incorporated by reference herein, and email or fax the "Complaint Transfer," LCR004, and all other ~~relative~~ relevant complaint documents, forms, or other written or oral information received from the complainant, to the appropriate local child support agency within five (5) business days after the complaint receipt date.

(2) Notify the complainant of the complaint transfer by mailing the complainant a copy of the completed LCR004 within five (5) business days after transferring the complaint to another county.

(b) A local child support agency that receives a "Complaint Transfer," LCR004, as specified in (a), shall complete the requirements of Sections 120101 through 120105(a) within 30 days after receiving the "Complaint Transfer," LCR004.

(c) If the transferring and receiving local child support agencies cannot agree to the proper jurisdiction for the complaint, the receiving local child support agency shall contact the Department by telephone, and follow up by fax, for jurisdictional determination within five (5) business days of receipt of the "Complaint Transfer," LCR004. The Department shall make the jurisdictional

determination within five (5) business days after contact. If the Department determines the jurisdiction for the complaint belongs to the transferring county, the complaint receipt date shall continue to be the date the local child support agency initially received the complaint pursuant to Section 120003. If the Department determines the jurisdiction for the complaint belongs to the receiving county, the complaint receipt date shall be the date the receiving county received the LCR004 from the transferring county, as specified in Section 120003.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

(15) Amend Section 120105 to read as follows:

Section 120105. Notice of Complaint Resolution/Complaint Extension.

(a) The local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated ~~(06/04)~~ (10/01), incorporated by reference herein, and a "Request for State Hearing," SH001, dated ~~(06/04)~~ (10/01), to the complainant no later than 30 days after the complaint receipt date. The LCR006, shall be signed by the director of the local child support agency, or his/her designee, and shall include a brief description or explanation of all of the following:

(1) The complaint and the complaint receipt date.

(2) The local child support agency's decision regarding the complaint, including the reason the local child support agency believes the complaint is not eligible for complaint resolution, if applicable, or the reason complaint resolution cannot be completed by the local child support agency. Citations to applicable laws, regulations, or Department policy letters shall be referenced in the explanation.

(3) The actions taken or that will be taken by the local child support agency to resolve the complaint.

(4) The complainant's right to file a request for a state hearing, the process and time frames for filing a request for state hearing, and the issues within the jurisdiction of a state hearing, if the complainant is dissatisfied with the resolution of the complaint by the local child support agency.

(b) The director of the local child support agency, or in the director's

absence, his or her designee, shall be permitted to grant a one-time extension of the complaint resolution period for a specified complaint up to maximum of 30 days, if the director of the local child support agency, or in the director's absence, his or her designee, determines more time is needed to resolve the complaint. The local child support agency shall exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and shall only take an extension under extraordinary circumstances. ~~The director of the local~~ child support agency shall do both of the following for each complaint resolution extension:

(1) Mail a "Notice of Complaint Resolution Extension," LCR005, dated ~~(06/04)~~ (10/01), incorporated by reference herein, to a complainant and the State Hearing Office no later than 30 days after the complaint receipt date. The LCR005 shall be signed by the director of the local child support agency, or in the director's absence, his or her designee, and shall explain the local child support agency's need to extend the complaint resolution period to resolve the complaint, and the time frames to file a state hearing will be extended based on the date of the local child support agency's written resolution response provided pursuant to subparagraph (2).

(2) Mail a "Notice of Complaint Resolution," LCR006, dated ~~(06/04)~~ (10/01), to the complainant no later than 60 days from the complaint receipt date.

(c) If the local child support agency is unable to initiate or complete a complaint investigation due to lack of information from the complainant, and the complaint investigator was unable to obtain the required information during

discussion with the complainant as specified in Section 120103(c), the local child support agency shall attempt at least one additional verbal contact with the complainant to obtain the required information. If the results of the contact are unsuccessful, the local child support agency shall notify the complainant in writing of the required information, and that failure of the complainant to provide the information will result in the local child support agency closing the complaint. If the local child support agency does not receive the information required to resolve the complaint, the local child support agency shall mail a "Notice of Complaint Resolution," LCR006, dated (10/01), to the complainant no later than 30 days after the complaint receipt date, that explains the reason for closing the complaint. ~~notify the complainant in writing of the information that is needed to resolve the complaint and that if the information is not received within ten (10) days, the complaint will be closed. The local child support agency shall provide such written notification no earlier than the 15th day, but no later than the 20th day, of the complaint receipt date.~~

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

(16) Amend Section 120106 to read as follows:

Section 120106. Complaint Resolution Process Closure.

(a) The local child support agency shall close the complaint after completing the following actions:

- (a) (1) Acknowledge the complaint pursuant to Section 120102.
- (b) (2) Investigate the complaint as specified in Section 120103.
- (c) (3) Issue a notice of complaint resolution pursuant to Section

120105.

(d) (4) Complete the required action to resolve the complaint pursuant to Section 120105.

(b) If the local child support agency transfers the complaint pursuant to Section 120104, and the complaint is not returned to the local child support agency pursuant to Section 120104(c), the local child support agency may close the complaint.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

(17) Amend Section 120107 to read as follows:

Section 120107. Maintenance of Complaint Information.

Each local child support agency shall compile and maintain the following information for each complaint received:

(a) The name, address and telephone number of the complainant and that of the authorized representative, if any, and identification of the complainant as custodial party or noncustodial parent.

(b) The local child support agency case number.

(c) The date the complaint was received, the nature of the complaint, and the date of resolution.

(d) The action required to resolve the complaint, including both of the following:

(1) The unit, local child support agency employee, or other agency or third party, responsible to complete resolution action(s).

(2) The date the resolution action(s) were completed.

(e) The dates the following were mailed to the complainant:

(1) The "Request for Complaint Resolution Acknowledgement,"
LCR002, dated ~~(06/01)~~ (10/01).

(2) The "Complaint Amendment," LCR003, dated (10/01), if
applicable.

(3) The "Complaint Transfer, LCR004, dated (10/01), if
applicable.

(4) The "Notice of Complaint Resolution Extension," LCR005,
dated (10/01), if applicable.

(5) _____ and ~~t~~The "Notice of Complaint Resolution," LCR006, dated
(06/01) (10/01), ~~were mailed to the complainant.~~

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17800, Family Code.

(18) Amend Section 120108 to read as follows:

Section 120108. Complaint Information Reporting.

Each local child support agency shall provide a written report with the following information to the Department within ~~ten (10)~~ 15 business days after the end of each calendar quarter:

- (a) The number and nature of the complaints received.
- (b) The number and percentage of complaints closed pursuant to Section 120106 within 30 days of the complaint receipt date.
- (c) The number and percentage of complaints closed pursuant to Section 120106(a) within 60 days of the complaint receipt date, if the complaint resolution period was extended pursuant to Section 120105.
- (d) The number and percentage of complaints that have not been closed pursuant to Section 120106(a) within 30 days of the complaint receipt date, or within 60 days of the complaint receipt date if the complaint resolution period was extended pursuant to Section 120105.
- (e) The number of complaints transferred to other local child support agencies.
- (f) The number of referrals to other agencies.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17800 and 17802, Family Code.

Chapter 10. Complaint Resolution

Article 3. State Hearing.

Section 120200. General Provisions.

- (a) The Department shall be responsible for the administration of the state hearing process.
- (b) The local child support agency shall not discourage a complainant from requesting a state hearing, or refuse to assist a complainant with a request for a state hearing.
- (c) This Article shall:
 - (1) Be interpreted in a manner that complies with Chapter 1, Program Administration, Article 5, Records Management regulations.
 - (2) Be interpreted in a manner that protects the complainant's right to a state hearing.
 - (3) Apply to child support issues subject to a state hearing specified in Section 120201.
 - (4) Not be interpreted in a manner that alters other statutory or regulatory time frames or requirements for taking other child support actions.
- (d) If the last date for the performance of any act required within a specified period of time by this Article or the provisions of Chapter 5 of Division 17 of the Family Code (commencing with Section 17800) is not a business day, then such period shall be extended to the next business day.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17804, Family Code.

(19) Amend Section 120201 to read as follows:

Section 120201. Right to a State Hearing.

(a) A complainant who is dissatisfied with the resolution of a complaint made with a local child support agency, pursuant to Article 2, shall have the right to request a state hearing pursuant to the requirements of this Article. The subject of the request for a state hearing shall be limited to any one or more of the following actions or failures to take action by a local child support agency or the Franchise Tax Board:

(1) An application for child support services has been denied or has not been acted upon within the required time frame.

(2) The child support services case has been acted upon in violation of federal or state law, regulation, or Department policy letter, or has not been acted upon within the required time frame, including services for the establishment, modification, and enforcement of child support orders and child support accountings.

(3) Child support collections have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency, is inaccurate.

(A) State hearing jurisdiction shall not extend to arrears issues if there is no dispute as to the accounting of the amount owed, but the complainant is seeking relief from enforcement of the order or judgment, or if the complainant is seeking credit for payments that were made to someone other than the local child support agency.

(B) The complainant shall not be entitled to request a

state hearing and a court review at the same time. If the complainant or the other party files for a court determination of arrears either before or after a state hearing is requested, the local child support agency shall notify the State Hearing Office, and any state hearing that has been requested on the same issues shall be dismissed.

(C) The local child support agency shall not be required to give notice to the non-complaining party of a state hearing request that concerns the calculation of the arrears. However, in order to protect the property rights of the parties, the local child support agency shall send the non-complaining party a copy of any hearing decision, in which the calculation of arrears is at issue, and provide notice of the right to have the arrears issue heard in court. The local child support agency shall redact all confidential information, including the complaining party's address, prior to sending the hearing decision to the non-complaining party.

(4) The local child support agency's decision to close a child support case.

(b) The following issues shall not be heard at a state hearing:

(1) Complaints arising from a child support matter which must, by law, be addressed by motion, order to show cause, or appeal, in a court.

(2) A review of any of the following:

(A) A court order for child support or child support arrears.

(B) A court order or equivalent determination of paternity.

(C) A court order for spousal support.

(3) Child custody determinations.

(4) Child visitation determinations.

(5) Complaints of alleged discourteous treatment by a local child support agency employee unless such conduct resulted in one of the actions or inactions enumerated in subsection (a)(1) through (4).

(c) Prior to requesting a hearing, the complainant shall exhaust the local complaint resolution process specified in Article 2, unless a local child support agency has not, within the time frames specified in Section 120105, submitted a written resolution of the complaint. Only a complaint that was raised in the local complaint resolution process can be raised in a state hearing.

(d) All requests for a state hearing shall:

(1) Be made orally or in writing to the State Hearing Office.

Complainants shall be encouraged, but not be required, to complete a "Request for State Hearing," SH001, dated ~~(06/04)~~ (10/01), incorporated by reference herein.

(2) Be made within 90 days after any of the following:

(A) The date the complainant received the local child support agency's "Notice of Complaint Resolution," LCR006, dated ~~(06/04)~~ (10/01), or the date the local child support agency transferred the complaint to another county if that county failed to resolve the complaint within 30 days of the complaint transfer. There shall be a rebuttable presumption that the complainant received a "Notice of Complaint Resolution," LCR006, dated (10/01), five (5) business days after the postmark date of the LCR006.

(B) The date the complainant made the complaint with

the local child support agency, if the local child support agency failed to issue a "Notice of Complaint Resolution," LCR006, dated ~~(06/04)~~ (10/01).

(C) The date the complainant received the "Complaint Transfer," LCR004, dated ~~(06/04)~~ (10/01), from the local child support agency that transferred the complaint ~~had been transferred to another local child support agency~~ pursuant to Section 120104, if the local child support agency to which the complaint was transferred has not issued a "Notice of Complaint Resolution," LCR006, dated ~~(06/04)~~ (10/01) within the time frame specified in Section 120105.

(D) The date the complainant received the "Notice of Complaint Resolution Extension," LCR005, dated (10/01) from the local child support agency that took an extension pursuant to Section 120105, if the local child support agency has not issued a "Notice of Complaint Resolution," LCR006, dated (10/01) within 60 days from the complaint receipt date.

(3) Include, at a minimum, the information specified in Section 120101(b)(3). A request for a state hearing shall not be deemed invalid for failure to include all the information specified in Section 120101(b)(3)(B).

(e) If a local child support agency receives a "Request for State Hearing," SH001, dated (10/01), directly from a complainant, the local child support agency shall fax the SH001 to the State Hearing Office by the close of business of the following business day.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(20) Amend Section 120202 to read as follows:

Section 120202. Scheduling the State Hearing.

The state hearing shall:

(a) Be set to commence within 30 days after the hearing request is received by the State Hearing Office.

(b) Be held by telephone or in ~~California~~ person within the complainant's county of residence, if the complainant resides in California, unless the complainant requests the hearing be held in another California county.

(1) Hearings for complainants residing outside California shall be conducted by telephone unless the complainant voluntarily offers to return to California for the hearing, or authorizes a representative in California to attend the hearing.

(2) Hearings for complainants who are inmates of penal institutions, or residents of other institutions, shall be conducted by telephone unless the complainant authorizes a representative to attend the hearing.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

Section 120203. Notice of State Hearing.

The State Hearing Office shall notify all interested parties at least ten (10) days prior to the scheduled hearing, of the date, time, and location of the hearing. The hearing notice shall be mailed to the last known address of the complainant.

The time frame of the notice shall be permitted to be shortened with the consent of the parties. Any party shall be permitted to waive notice.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(21) Amend Section 120204 to read as follows:

Section 120204. Local Child Support Agency Responsibilities.

(a) A local child support agency shall:

(1) Attempt to resolve a complaint to the satisfaction of the complainant during the local complaint resolution process and prior to the state hearing.

(2) Provide the complainant with Department-approved informational materials regarding the state hearing process.

(13) Assist the complainant in requesting a state hearing.

(24) Provide the complainant with relevant information pertaining to the subject of the complaint to help the complainant prepare for the state hearing.

(35) Notify the State Hearing Office of the complainant's need for an interpreter and/or reasonable disability accommodation at the state hearing, if known.

(46) Report to the State Hearing Office, any changes in the complainant's address or other circumstances that might affect the conduct of the state hearing, if known.

(57) Prepare a typewritten position statement that includes all of the following:

(A) A short statement of the facts of the case.

(B) Statutory and regulatory citations, or Department policy, applicable to the local child support agency's and/or Franchise Tax Board's action or inaction.

(C) All relevant information in the local child support agency's possession regarding the subject of the complaint.

(D) Copies of documentary evidence itemized as exhibits, including copies of any forms prepared or submitted as part of the complaint resolution process, and a list of witnesses the local child support agency intends to use during the hearing.

(E) A complete fiscal accounting of the case, if the complaint pertains to child support collections that have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears calculated by the local child support agency.

(68) Mail the position statement specified in subsection (57) above, and pertinent documents to the complainant and the State Hearing Office at least five (5) business days prior to the scheduled hearing.

(79) Assign a local child support agency representative to each child support case for which a state hearing has been scheduled, who shall provide a copy of the position statement at the state hearing, and have the full responsibility to present the case at the state hearing in accordance with the requirements of this Article. The representative shall not be the individual whose action or inaction is the subject of the complaint, or the Ombudsperson.

(810) Provide the State Hearing Office with the name of the local child support agency representative, specified in (79) above, ~~who in coordination with the State Hearing Office, is responsible for discharging the requirements of this Article.~~

(11) Review any state hearing request to make a preliminary determination of whether the non-complaining party needs to be notified of the state hearing to protect his or her rights or interests.

(A) If the local child support agency believes the non-complaining party should receive notice and be given the opportunity to appear at the hearing, the local child support agency shall notify the State Hearing Office of its determination and request a subpoena be issued pursuant to Section 120208.

(B) The local child support agency shall notify the State Hearing Office in advance of any case in which the local child support agency knows that the non-complaining party may appear at the hearing.

(C) If the local child support agency is aware of a history of domestic violence or a potential for violent behavior, the local child support agency shall notify the State Hearing Office of that history.

(D) Whenever possible, the State Hearing Office shall arrange to have one of the parties appear by telephone.

(b) The local child support agency representative shall perform the following case presentation activities at the state hearing as necessary:

(1) Orally summarize the written position statement that supports the local child support agency's and/or Franchise Tax Board's action(s) or inaction(s).

(2) Examine local child support agency and/or Franchise Tax Board witness(es).

(3) Cross-examine the complainant or the complainant's

authorized representative, and the complainant's witnesses.

(4) Respond to any questions from the complainant or authorized representative, or Administrative Law Judge concerning the case.

(5) Make available at the hearing, the local child support agency case record documents that are not confidential, or for which disclosure is authorized under Section 111440, and are relevant to the complaint.

(6) Make binding agreements and stipulations on behalf of the local child support agency during the hearing.

(c) If the hearing is to be held in a county other than the county responsible for the case, the responsible local child support agency shall ensure a copy of the position statement specified in subsection (a)(7) is available at the other county's office at least two (2) business days before the hearing, and shall choose one of the following actions:

(1) Send a local child support agency representative to the county in which the hearing is held to ensure the requirements specified in subsection (b) have been met.

(2) ~~Submit the written position statement required by subsection (a)(5), to the State Hearing Office and have a local child support agency representative who has the authority to make binding agreements and stipulations on behalf of the local child support agency participate~~ appear by telephone during the hearing. A local child support agency representative who appears by telephone has the same responsibilities as a local child support agency representative who appears in person, including making binding agreements and stipulations on behalf of the local child support agency.

(3) Send the original case record information relative to the complaint, or a certified copy thereof pursuant to Evidence Code Sections 1530 through 1532, containing all relevant information in the local child support agency's possession and the position statement required by subsection (a)(~~57~~), to the local child support agency in the county where the hearing is to be held with the request that the other county represent the responsible local child support agency at the hearing.

(A) The responsible local child support agency shall declare under penalty of perjury that the information submitted is from the case record of the complainant.

(B) If certified copies pursuant to Evidence Code, Sections 1530 through 1532, of the record are sent instead of the original, the responsible local child support agency shall attest that the copies are true copies of the original records.

(C) The request shall be made no later than five (5) business days prior to the hearing to allow the local child support agency in the county in which the state hearing is held to arrange for representation or to notify the responsible local child support agency of its inability to provide such representation.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

Section 120205. Franchise Tax Board Responsibility.

The Franchise Tax Board shall send an agency representative to all state hearings, if requested by the local child support agency, to assist in resolving a complaint.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

(22) Amend Section 120206 to read as follows:

Section 120206. State Hearing--General Rules.

(a) Attendance at the hearing shall be limited to the complainant, the authorized representative, ~~if any,~~ the local child support agency representative, Franchise Tax Board representative, a certified interpreter, and witnesses relevant to the issue.

(1) Other persons may attend the hearing only if their attendance is permitted by the complainant, and the Administrative Law Judge determines their presence will not be adverse to the hearing.

(2) The Administrative Law Judge shall be permitted to exclude a witness during the testimony of other witnesses, or exclude persons who are disruptive to the hearing.

(b) Personal or telephonic ~~Appearance~~ by the complainant or authorized representative, if any, shall be required at the hearing, unless the hearing is a rehearing or further hearing, and the State Hearing Office determines the appearance of the complainant or authorized representative is not necessary.

(c) The hearing shall be conducted in an impartial manner.

(d) All testimony shall be submitted under oath, affirmation, or penalty of perjury.

(e) The proceedings at the hearing shall be reported by tape recorder or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.

(f) The issues at the hearing shall be limited to those issues previously

identified in the "Request for State Hearing," SH001, by the complainant, or documented by the State Hearing Office from a verbal request for a state hearing by the complainant, and that are issues specified in Section 120201(a). Only a complaint that was raised in the local complaint resolution process can be raised in a state hearing.

(1) If a jurisdictional issue is raised at the hearing, either by the local child support agency representative, the complainant, the authorized representative, if any, or the Administrative Law Judge, the parties shall submit evidence on the substantive issues except as provided in subparagraph (3) below, or Sections 120211(a)(1), (2), or (5).

(2) No determination of the timeliness of the hearing request or other jurisdictional issue shall be made at the hearing. The request shall be dismissed by a written decision, if the Administrative Law Judge determines that jurisdiction does not exist, the request is untimely, or there is no subject matter jurisdiction.

(3) If prior to or at the state hearing, the parties agree to discuss only the jurisdictional issue, or the Administrative Law Judge on his/her own motion determines that only the jurisdictional issue will be discussed, the parties need not submit evidence on the substantive issues, and the Administrative Law Judge shall take evidence only on the jurisdictional issue. The Administrative Law Judge shall do one of the following:

~~(A)~~ Inform the parties orally at the hearing or in writing within ten (10) days after the close of the record, that he/she will not proceed on the substantive issues and a decision will be prepared on the

jurisdictional issue.

(B) Inform the parties orally at the hearing or in writing ten (10) days after the close of the record, that an additional hearing will be held on the substantive issues and provide the parties a minimum of ten (10) days in which to prepare on the substantive issues.

(g) An interpreter shall be provided by the State Hearing Office if one is requested by the complainant, or authorized representative, if any, prior to the hearing, or if at the hearing, the Administrative Law Judge determines that an interpreter is necessary. The Administrative Law Judge shall:

(1) Determine if the interpreter has been certified.

(2) If the interpreter is not certified, examine the qualifications and competency of the interpreter.

(3) Assure objective interpretation and disqualify interpreters who are:

(A) The complainant's relatives, friends, or authorized representative.

(B) Local child support agency staff responsible for the action or inaction that is the basis of the complaint.

(C) The local child support agency's state hearing representative.

(D) ~~Any other individual~~ Determined by the Administrative Law Judge to be detrimental to the hearing process, or appearing to have an interest in the outcome of the case.

(4) Administer a separate oath or affirmation to the interpreter to

interpret accurately and maintain confidentiality.

(h) Both the complainant and the local child support agency shall have the right to:

- (1) Bring witnesses.
- (2) Examine parties and witnesses.
- (3) Conduct cross-examination for a full disclosure of the facts.
- (4) Introduce exhibits.
- (5) Examine all documents that will be introduced as evidence

prior to and during the hearing.

(6) Question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in the direct examination.

- (7) Make oral or written argument.
- (8) Rebut the evidence.

(i) Written communications submitted by either the complainant or the local child support agency concerning the hearing shall be made available to both parties. Copies of all such documents shall be provided to the complainant free of charge.

(j) The merits of a pending state hearing shall not be discussed between the Administrative Law Judge and a local child support agency representative, Franchise Tax Board representative, a complainant, or authorized representative, outside the presence of the other party.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

(23) Amend Section 120207 to read as follows:

Section 120207. Evidence.

(a) The Administrative Law Judge shall identify the issue(s) and shall state the order in which evidence shall be received. The taking of evidence in a hearing shall be conducted by the Administrative Law Judge in a manner best suited to ascertain the facts and to control the conduct of the hearing.

(b) Except as specified in (1) through (3) below, evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(1) The rules of evidence as applicable in judicial proceedings shall not be applicable in state hearings.

(2) The Administrative Law Judge shall be permitted to exclude evidence that is irrelevant, cumulative or unduly repetitious.

(3) The Administrative Law Judge shall exclude evidence that is privileged under the Evidence Code if the privilege is claimed in accordance with law.

(c) The Administrative Law Judge shall consider the nature of the evidence admissible pursuant to subsection (b) in assessing its probative value.

(d) The Administrative Law Judge shall recognize the existence and truth of certain facts, such as a proposition of law or fact, that have a bearing on the issue in the case through official notice, without requiring the actual production of evidence to prove such facts.

(1) The Administrative Law Judge shall take official notice of those matters that must be judicially noticed by a court under Section 451 of the

Evidence Code.

(2) The Administrative Law Judge may take official notice of those matters set forth in Section 452 of the Evidence Code.

(3) The Administrative Law Judge may take official notice of any generally accepted fact relating to the enforcement of child support.

(4) With respect to matters under subparagraph (3) above, and subdivision (f) of Section 451 and subdivision (g) of Section 452 of the Evidence Code that are of substantial consequence to the determination of the action, each party shall be given reasonable opportunity, subject to Section 120210(d)(c) before the decision is submitted, to present information relevant to:

(A) The propriety of taking official notice; and

(B) The tenor of the matter to be noticed.

(e) The standard of proof to be used by the Administrative Law Judge in reaching his/her decision in the matter shall be by a preponderance of the evidence.

(f) In determining whether a local child support agency acted properly, where the action or inaction that is the subject of the complaint is discretionary, the standard of review shall be whether the local child support agency's exercise of discretion was arbitrary and capricious.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(24) Amend Section 120208 to read as follows:

Section 120208. Examination of Records and Issuance of Subpoenas.

(a) The complainant shall have the right to examine non-confidential portions of the case record, or portions for which disclosure is authorized under Section 111440, or non-confidential information the local child support agency used to make its decision, during regular business hours. ~~If portions of the case record are confidential, the complainant shall inspect such material only if permitted by Chapter 1, Subchapter 1, Article 5, Records Management.~~

(b) The local child support agency shall reproduce without charge, or at a charge not to exceed the cost of reproduction pursuant to Government Code 6253, all specific policy materials, including regulations, necessary for a complainant to determine whether a state hearing should be requested, or to prepare for a state hearing.

(c) Before the hearing is commenced, the State Hearing Office shall be permitted to, upon the written or oral request of the complainant or the local child support agency, issue a either or both of the following:

(1) A S subpoena under the authority of Government Code Sections 11180 through 11191, requiring the presence of any witness whose expected testimony has been shown to be relevant, and not cumulative or unduly repetitious.

(2) A S subpoena duces tecum under the authority of Government Code Sections 11180 through 11191, for the production by a witness of either original or certified copies pursuant to Evidence Code, Sections 1530 through 1532, of books, papers, correspondence, memoranda, or other

records. The ~~requesting party~~ requesting of the subpoena duces tecum shall:

(A) Submit a statement under penalty of perjury describing the materials desired to be produced and their relevancy.

(B) Serve the subpoena duces tecum. ~~The s~~Service of the subpoena duces tecum shall be made to allow the witness a reasonable time to produce the materials requested and to prepare and submit a statement to the State Hearing Office.

(d) The Administrative Law Judge assigned to the case shall be permitted to issue a subpoena or subpoena duces tecum after the hearing as necessary.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections ~~17242~~ and 17801, Family Code, ~~Section 6253,~~
Government Code.

(25) Amend Section 120209 to read as follows:

Section 120209. Witness Fees and Mileage.

(a) A witness who is subpoenaed and appears at the hearing at the request of the complainant, shall be permitted to be reimbursed by the Department for witness fees and mileage pursuant to Government Code Section 68093.

(b) A witness who is subpoenaed and appears at the hearing at the request of the local child support agency, shall be permitted to be reimbursed by the local child support agency for witness fees and mileage pursuant to Government Code, Section 68093.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(26) Amend Section 120210 to read as follows:

Section 120210. Postponements and Continuances.

(a) The State Hearing Office or the Administrative Law Judge shall have the authority to postpone the hearing for good cause. Good cause for a postponement is any of the following:

(1) Death in the family.

(2) Personal illness of or injury to the complainant or authorized representative.

(3) Sudden and unexpected emergencies including, but not limited to, traffic accidents on the day of the hearing and illness of or injury to a household or family member who requires immediate care.

(4) A conflicting court appearance that cannot be postponed.

(5) The local child support agency does not make a position statement required by Section 120204 available to the complainant at least two (2) business days prior to the date of the scheduled hearing, or the local child support agency has substantively revised the position statement required by Section 120204 subsequent to providing the statement to the complainant and the complainant requests a postponement.

(6) The complainant did not receive notice of the time and place of the hearing. Failure by the complainant to notify the local child support agency or the State Hearing Office of a change of address while a complaint request for state hearing is pending, shall not constitute a reason for postponement under this section.

(7) Any other reason the State Hearing Office or Administrative

Law Judge deems appropriate.

(b) The Administrative Law Judge shall have the authority to grant a continuance of the hearing for a stated period not to exceed 30 days, for additional evidence or close the hearing and hold the record open for a stated period not to exceed 30 days, in order to permit the submission of additional documentary evidence.

(c) When a hearing is postponed, continued, or reopened ~~at the complainant's request~~, the State Hearing Office shall mail or give written notice to the ~~complainant parties~~ that explains the hearing date may be put off for a period not to exceed 30 days.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(27) Amend Section 120211 to read as follows:

Section 120211. Dismissals.

(a) The State Hearing Office shall dismiss a hearing request prior to the hearing when:

(1) The hearing request has been withdrawn pursuant to Section 120212.

~~(2) The hearing request has been abandoned pursuant to Section 120213.~~

~~(3)~~ (2) The issue is not within the jurisdiction of a state hearing as specified in Section 120201(a).

~~(4)~~ (3) The request for state hearing is filed beyond the time limit set forth in Section 120201(d)(2).

~~(5)~~ (4) The request for hearing raises a compliance issue, such as an allegation that the local child support agency and/or Franchise Tax Board failed to comply with a previously adopted state hearing decision.

~~(6)~~ (5) The issue is moot.

(b) Prior to dismissing a hearing for the reasons specified in subsection (a)~~(2) through (5)~~, the State Hearing Office shall notify the complainant by mail of the reason(s) for the dismissal and that a dismissal shall occur 15 days after the notice is sent, unless the complainant sets forth further facts and/or arguments, orally or in writing, that would indicate the matter should not be dismissed. The procedure for dismissing a case prior to hearing based upon the complainant's withdrawal is set forth in Section 120212.

(1) If the complainant presents information that may indicate

the hearing request should not be dismissed, a hearing shall be scheduled pursuant to Section 120203.

(2) If the complainant presents information that fails to establish the hearing request should not be dismissed, the State Hearing Office shall dismiss the hearing request and provide written notice to the complainant within ten (10) days of dismissing the hearing request. If the complainant fails to respond to notification sent by the State Hearing Office within 15 days, the State Hearing Office notice sent pursuant to subsection (b) shall serve as notice of dismissal.

(c) The Administrative Law Judge, in addition to the authority set forth in subsection (a), shall dismiss by proposed decision, a hearing request, or portion thereof, when:

(1) The Administrative Law Judge determines the complainant or authorized representative is unwilling to present the complainant's case at the state hearing. This paragraph shall not apply to abandonments. Dismissal of hearing requests based upon abandonment by the complainant is set forth in Section 120213.

(2) The Administrative Law Judge determines the issue(s) has/have been the subject of a previous state hearing involving the complainant.

(3) The Administrative Law Judge determines the person who requests the state hearing does not have standing to request the state hearing.

(4) The Administrative Law Judge fails to receive a written authorization following the hearing pursuant to Section 120222(b)(1).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

(28) Amend Section 120212 to read as follows:

Section 120212. Withdrawals.

(a) The complainant shall have the right to make an oral or written request to the State Hearing Office to withdraw the hearing request any time before the Director or Director's designee signs the decision. If the complainant has unconditionally verbally withdrawn the hearing request prior to the hearing, the State Hearing Office shall mail the complainant and the local child support agency a letter confirming the withdrawal of the hearing request, which shall serve as the written withdrawal. The hearing request shall be considered withdrawn unless, within 15 days after the mailing of such letter, the complainant notifies the State Hearing Office verbally or in writing the hearing request has not been withdrawn.

(b) An unconditional written withdrawal of the hearing request shall result in the immediate dismissal of the hearing request. The dismissal shall be without prejudice, and the complainant shall have the right to file a new hearing request raising the identical issue provided the request is filed within the time frames specified in this Article.

(c) A conditional withdrawal of the hearing request shall include a signed agreement between the complainant and the local child support agency. Any agreement under this ~~provision~~ subsection shall provide that the actions of both parties will be completed within 30 days from the date the conditional withdrawal is signed by both parties. The complainant, shall be responsible to reinstate the hearing request within 90 days after receipt of the local child support agency's notice of action(s) taken, ~~upon receipt of the local child support~~

~~agency's notice of redetermination if the complainant is not satisfied with that the~~
~~decision action(s) or ultimate outcome are consistent with the agreement., shall~~
~~be responsible to reinstate the hearing request within the time frames specified~~
~~in this Article.~~

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(29) Amend Section 120213 to read as follows:

Section 120213. Abandonment.

(a) If a complainant or authorized representative fails to appear at the scheduled hearing without good cause as specified in Section 120210(a)(1) through (6), the hearing request shall be considered abandoned.

(b) Prior to dismissing a hearing request based on the complainant's abandonment, the State Hearing Office shall notify the complainant by mail that the matter shall be dismissed on the failure of the complainant or authorized representative to appear, and that a dismissal shall occur 15 days after the notice is sent, unless ~~If within ten (10) days after the date of the scheduled hearing, the complainant requests the hearing request be reinstated and establishes good cause as specified in Section 120210(a)(1) through (6) for failing to appear at the hearing, the hearing shall be rescheduled.~~

(1) The State Hearing Office shall have authority to request a written declaration or other verification from the complainant to support the reason(s) for the nonappearance.

(2) If the complainant presents information to explain the failure to appear, but the information fails to establish good cause for the nonappearance, the State Hearing Office shall dismiss the hearing request and provide written notice to the complainant within ten (10) days of the dismissal.

(3) If the complainant fails to respond to the notification sent by the State Hearing Office within the time allotted, the notice sent pursuant to subsection (b) shall serve as notice of dismissal.

~~(c) If the hearing is not rescheduled, or the complainant does not~~

~~request reinstatement within ten (10) days from the scheduled hearing date, the
State Hearing Office shall issue the complainant a written hearing decision which
dismisses the appeal and notifies the complainant of the right to request a
rehearing pursuant to Section 120220.~~

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(30) Amend Section 120214 to read as follows:

Section 120214. Disqualification of an Administrative Law Judge.

(a) The Administrative Law Judge shall voluntarily withdraw from any proceeding in which the Administrative Law Judge cannot give a fair and impartial hearing or in which the Administrative Law Judge has an interest.

(b) A party may request at any time prior to the close of the record, that the Administrative Law Judge be disqualified upon the grounds that a fair and impartial hearing cannot be held, or a fair and impartial decision cannot be rendered. Such request shall be ruled upon by the Administrative Law Judge prior to the close of the record.

(c) If, at the beginning or during the hearing, the Administrative Law Judge upholds a party's motion for disqualification, the matter shall be postponed for no more than 30 days, and a different Administrative Law Judge shall be assigned. A postponement due to a disqualification of an Administrative Law Judge shall be considered a postponement with good cause. If, after the hearing, but before the close of the record, the Administrative Law Judge determines that disqualification is appropriate, a further hearing shall be granted pursuant to Section 120217(a)(3).

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(31) Amend Section 120215 to read as follows:

Section 120215. Communications From a Party After the Hearing.

Oral and written communications from a party or witness to the Department or the Administrative Law Judge concerning the merits of the case subsequent to the record being closed ~~at the hearing~~ shall be excluded from the record and shall be disregarded prior to the adoption and release of the decision of the Director or the Director's designee.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(32) Amend Section 120216 to read as follows:

Section 120216. Submission of Proposed Decision.

(a) The Administrative Law Judge shall submit a proposed decision to the Director or Director's designee within 10 business days of the close of the record. The proposed decision shall be based exclusively on the evidence and other material admitted at the state hearing, or after the hearing, but while the record is open. The proposed decision shall specify the reasons for the decision and identify the supporting evidence and applicable statutes or regulations.

(b) If the Administrative Law Judge who heard the case is unavailable to prepare the proposed decision, the State Hearing Office shall assign another Administrative Law Judge to prepare the proposed decision on the record and notify the complainant of the right to request a new hearing, provided the complainant agrees to waive the time frame to render a decision required in Section 120217. The Administrative Law Judge shall be considered unavailable within the meaning of this section if the Administrative Law Judge:

- (1) Is incapacitated.
- (2) Has ceased employment as an Administrative Law Judge.
- (3) Is disqualified under Section 120214.
- (4) Is unable to write a proposed decision due to circumstances beyond his/her control.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(33) Amend Section 120217 to read as follows:

Section 120217. Action by the Director or Director's Designee.

(a) The Director or Director's designee shall review the proposed decision submitted pursuant to Section 120216 and take one of the following actions:

(1) Adopt the proposed decision in its entirety.

(2) Issue an alternate decision based on the case record, including the transcript, with or without taking additional evidence. If the Director or Director's designee renders an alternate decision, the decision shall be in writing and include a statement of the facts, reference to the applicable statutes and regulations, and the reasoning to support the decision. The decision shall be based on only those circumstances and issues existing at the time of the local child support agency and/or Franchise Tax Board action or inaction in dispute that were the subject of the unresolved dispute and the request for state hearing.

(3) Order a further hearing to be conducted.

(b) A final decision shall be rendered by the Director or Director's designee for all state hearings within 20 business days from the date of the close of the record.

(c) If the Director or Director's designee fails to act in the manner specified in subsection (a) within 20 business days of the date of the close of the record, the proposed decision shall be deemed adopted by operation of law.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(34) Amend Section 120218 to read as follows:

Section 120218. Issuance of the Decision.

(a) The State Hearing Office shall mail the decision to the complainant and the local child support agency within 10 business days after the decision is adopted by the Director or the Director's designee, as specified in Section 120217. The decision shall include a statement concerning the complainant's right to request a rehearing or judicial review, and shall advise the complainant that if a judicial review results in a decision in the complainant's favor, the complainant shall be entitled to reasonable attorney's fees and the cost of the suit.

(b) If the Director or Director's designee renders an alternate decision, or orders a further hearing, a copy of the Administrative Law Judge's proposed decision shall be included and mailed with the alternate final decision within the time frame specified in subsection (a). ~~and mailed to the complainant and the local child support agency within 10 business days of receipt of the final decision of the Director or the Director's designee as specified in Section 120217.~~

(c) The Director or Director's designee shall retain authority to rectify clerical errors contained in the decision after the decision has been issued.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17803, Family Code.

Section 120219. Availability of State Hearing Records.

(a) The materials which constitute the exclusive record for the decision, specified in (b), below, shall be available to the complainant and the local child support agency during normal business hours at the Department for three years after the date of the adopted decision.

(b) The record for the decision shall contain all of the following:

(1) The tape recording of the testimony or an official report containing the substance of what transpired at the hearing.

(2) All papers used in the proceeding including the exhibits entered into the record.

(3) The request for hearing filed in the proceeding.

(4) The Administrative Law Judge's proposed decision.

(5) The alternate decision, if any.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(35) Amend Section 120220 to read as follows:

Section 120220. Rehearing.

(a) The complainant or the local child support agency shall have the right to file a written request for rehearing with the State Hearing Office no later than 30 days after receipt of the adopted decision. The rehearing request shall contain a statement regarding the date the adopted decision was received. In the absence of such statement, the date of receipt shall be either three (3) business days after the date of the postmark on the envelope containing the decision, or three (3) business days after the date the decision was released by the Department or the State Hearing Office, whichever is later.

(b) The filing date of the rehearing request shall be the postmark on the envelope containing the rehearing request. If the postmark on the envelope is unreadable, the filing date shall be the date the request for rehearing is signed. If the postmark is unreadable, and the request for rehearing is undated, the filing date shall be three (3) business days prior to the date the rehearing request is stamped "received" by the State Hearing Office.

(c) If the rehearing request is to permit presentation of additional evidence, the request shall:

- (1) Describe the additional evidence.
- (2) State why it was not previously introduced.
- (3) Explain its materiality.
- (4) Explain how the additional evidence will change the outcome

of the hearing decision.

(d) Upon receipt of a rehearing request filed within the time frame

specified in subsection (a), the State Hearing Office shall mail a copy of the request to the other party to the hearing. The other party shall be permitted to file a statement supporting or opposing the rehearing request. Such statement from the other party shall be in writing and shall be filed with the State Hearing Office no later than ten (10) business days after the mailing.

(e) The Director or Director's designee shall grant or deny the rehearing request no earlier than ten (10), nor later than 20, business days after it is received by the State Hearing Office. If the Director or Director's designee does not act within this time frame, the rehearing request shall be deemed denied.

(f) The criteria for granting a rehearing shall be one or more of the following:

(1) Newly discovered evidence is now available but was not available to the requesting party at the time of the hearing, and the new evidence, if it had been introduced, could have changed the result of the decision.

(2) The adopted decision is inconsistent with the law.

(3) The adopted decision is not supported by the evidence of record.

(g) If a rehearing request is granted, the Director or Director's designee shall do one of the following:

(1) Order reconsideration of one, several, or all issues decided in the adopted decision on the basis of the evidence in the record, and any additional evidence submitted by the complainant or the local child support

agency. Such additional evidence shall be submitted to the opposing party for rebuttal.

(2) Order a new oral hearing on one or more of the issues presented at the original state hearing.

(h) If a rehearing request is denied, the ~~State Hearing Office Director~~ or Director's designee shall mail a written notice of denial to the complainant no later than ~~45~~ 20 business days after ~~receiving the rehearing request is received~~ by the State Hearing Office. The notice of denial shall contain a statement concerning the complainant's right to judicial review and shall advise the complainant that, if the court decides the case in the complainant's favor, the complainant shall be entitled to reasonable attorney's fees and the cost of the suit.

(i) A rehearing request shall be permitted to be withdrawn by the requesting party any time ~~before the Department has acted upon the request.~~ After a rehearing request has been granted, the request shall be permitted to be withdrawn by the requesting party subject to the approval of the State Hearing Office.

(j) A rehearing decision shall not be subject to another rehearing. Any further appeal must be by petition to the Superior Court under Section 1094.5 of the Code of Civil Procedure.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17803, Family Code.

(36) Amend Section 120221 to read as follows:

Section 120221. Compliance with Adopted State Hearing Decision.

(a) Immediately upon receipt of the adopted decision, the local child support agency shall:

(1) Initiate action to comply with such decision.

(2) Comply with the adopted decision even if a rehearing is requested and/or granted, unless a request to stay compliance pending rehearing has been granted requested concurrently with the request for rehearing, and has been granted by the Department.

(3) Comply with a rehearing decision subsequently rendered, to the extent the decision differs from the original adopted decision.

(b) If the adopted decision is wholly or partially in favor of the complainant, the local child support agency shall, within 30 days of receipt of the adopted decision, submit a compliance report to the Department. The local child support agency shall be presumed to have received the adopted decision 15 business days after the decision is adopted by the Director or the Director's designee. Such compliance report shall set forth the specific manner in which the local child support agency has complied and/or is complying with the order in the adopted decision. The Department shall review the compliance report and notify the complainant and the local child support agency that the plan for compliance has been approved, or the action that must be taken to ensure proper compliance with the adopted decision.

(c) The complainant shall have the right to contact the Department, orally or in writing, to express dissatisfaction with the local child support agency's

compliance with the adopted decision. There shall be no right to another state hearing concerning noncompliance with the adopted decision. The Department shall determine the local child support agency's compliance with the adopted decision and provide notice to the complainant. If the Department determines the local child support agency is not complying with the adopted decision, the Department shall take any action necessary to ensure compliance, and provide notice to the complainant of the action taken by the Department.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17801 and 17802, Family Code.

(37) Amend Section 120222 to read as follows:

Section 120222. Authorized Representative.

(a) The complainant shall have the right to appoint an authorized representative during all aspects of the hearing process by signing and dating a written statement to that effect, or by stating on the record at the hearing that the person is so authorized.

(1) If the complainant is not present at the hearing, the written statement authorizing a representative to act on behalf of the complainant for hearing purposes shall be signed and dated by the complainant on or after the date of the action or inaction with which the complainant is dissatisfied.

(2) The authorization may be limited in scope or duration by the complainant, and may be revoked by the complainant at any time. The authorization shall be presumed to be a valid authorization. Such presumption is rebuttable.

(3) If the complainant is not present at the hearing and the written authorization does not meet the requirements set forth in subsection (a), the Administrative Law Judge may proceed with the hearing if the circumstances indicate that the complainant wishes to proceed with the hearing process. In such cases, an amended authorization shall be submitted within five (5) days from the hearing.

(b) If the complainant has not authorized the representative in writing and is not present at the hearing, the person may be recognized as the authorized representative if the person is ~~an~~ the complainant's attorney, a guardian or conservator, or has a power of attorney, or if at the hearing, the

person swears or affirms under penalty of perjury on the record that the complainant has so authorized him/her to act as the complainant's authorized representative, and the Administrative Law Judge further determines the person is so authorized.

(c) The Administrative Law Judge may make the determination of a representative being authorized by the complainant by contacting the complainant or collateral source. When the purported authorized representative is not an attorney, a guardian or conservator, or does not have a power of attorney, a written authorization shall be submitted within five (5) days from the hearing unless this time period is extended by the Administrative Law Judge. If no written authorization is submitted, the case shall be considered abandoned, and shall be dismissed by written decision after the hearing pursuant to Section 120211.

(d) Whenever the complainant is represented by an authorized representative, the authorized representative shall be furnished a copy of all notices and decisions concerning the state hearing that are provided to the complainant. The authorized representative shall have the same right as the complainant to review the complainant's case record pursuant to Chapter 1, Program Administration, Article 5, Records Management.

(e) All references in this Article to rights and responsibilities of a complainant in the state hearing process apply to a duly authorized representative, unless the authorization is limited pursuant to subsection (a)(2).

Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17801, Family Code.

(38) Repeal Manual of Policies and Procedures Chapter 12-1000 as follows:

~~CHAPTER 12-1000 TITLE IV D COMPLAINT RESOLUTION PROCEDURES~~

~~12-1001~~ ~~DEFINITIONS~~ ~~12-1001~~

~~.1 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found at Sections 12-101, 12-301, 12-601, and 12-701.~~

~~.2 When used as a term specific to these regulations:~~

~~a. Reserved~~

~~b. Reserved~~

~~c. (1) Complaint Coordinator means the individual(s) at a county Title IV-D office designated by the district attorney to be responsible for administering the Title IV-D Complaint Resolution Procedures.~~

~~d. Reserved~~

~~e. Reserved~~

~~f. Reserved~~

~~g. Reserved~~

~~h. Reserved~~

~~i. Reserved~~

~~j. Reserved~~

~~k. Reserved~~

~~l. Reserved~~

~~m. Reserved~~

~~n. Reserved~~

~~o. Reserved~~

~~p. Reserved~~

~~q. Reserved~~

~~r. Reserved~~

~~s. Reserved~~

~~t. Reserved~~

u. — Reserved

v. — Reserved

w. — Reserved

x. — Reserved

y. — Reserved

z. — Reserved

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).

~~12-1005~~ **FORMS DEFINITIONS**

~~12-1005~~

~~1~~ Following are required forms and notices to be used in the administration of the Title IV-D Complaint Resolution Procedures:

- ~~(a) CS 896 (11/95) State Level Appeal Form used by a custodial party to request a state level review of a district attorney's Response to Complaint (CS 900) or Final Decision (CS 902).~~
- ~~(b) CS 897 (5/94) Informing Notice issued by the Department to a custodial party acknowledging that his or her appeal of a district attorney's determination was received. The notice will include information about the action that will be taken on the custodial party's request for a state level review.~~
- ~~(c) CS 898 (5/94) Final Decision issued by the Department regarding an appeal of a district attorney's Response to Complaint (CS 900) or Final Decision (CS 902).~~
- ~~(d) CS 899 (7/94) Informing Notice issued by a district attorney to a custodial party acknowledging receipt of a formal complaint. The notice shall include a date by which the custodial party can expect to receive a written response to the formal complaint.~~
- ~~(e) CS 900 (11/95) Response to Complaint issued by a district attorney to a custodial party. This is the initial determination issued during the formal complaint process (see CS 902).~~

~~The reverse side of the CS 900 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's Response to Complaint.~~
- ~~(f) CS 901 (7/94) Child Support Complaint Form used by a custodial party to file a formal complaint with a district attorney about the receipt or distribution of a support payment(s).~~
- ~~(g) CS 902 (11/95) Final Decision issued by a district attorney to a custodial party following a district attorney's redetermination of the Response to Complaint (CS 900).~~

~~The reverse side of the CS 902 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's Final Decision.~~

~~(h) CS 903 (7/94) — Informing Notice issued by a district attorney advising a custodial party that a formal complaint was received, and includes a date by which the custodial party shall receive a Response to Complaint (CS 900). This notice can also be used to inform the custodial party that the formal complaint was forwarded to another county Title IV-D office.~~

~~(i) CS 904 (11/95) — Informing Notice issued by a district attorney advising a custodial party of any of the following circumstances: 1) the formal complaint is not about the receipt or distribution of a support payment; 2) the formal complaint is not about a child support issue; 3) the formal complaint is about an issue that may be under the jurisdiction of the state administrative hearing process; 4) the formal complaint is the same complaint previously submitted and the district attorney is still reviewing the original formal complaint; or 5) the formal complaint is the same complaint previously submitted and a final written decision was provided to the custodial party.~~

~~The reverse side of the CS 904 is the County FSD Back. The County FSD Back is identical to the State Level Appeal Form (CS 896) and may be used by the custodial party to appeal to the Department for a state level review of a district attorney's determination.~~

~~(j) CS 905 (7/94) — Informing Notice issued by a district attorney to a custodial party when an incomplete Child Support Complaint Form (CS 901) is received, or the district attorney cannot understand the essence of the complaint.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).~~

~~12-1010 GENERAL REQUIREMENTS~~

~~12-1010~~

- ~~.1 Any custodial party of a child for whom a district attorney is collecting or has collected support may file a complaint.~~
- ~~.2 The complaint must be about the receipt or distribution of a support payment(s):~~
 - ~~.21 If a complaint is about an issue other than the receipt or distribution of a support payment(s), the complaint shall be processed in accordance with the district attorney's normal complaint processing procedures.~~
- ~~.3 Each district attorney has the option of making an informal complaint process available:~~
 - ~~.31 If an informal complaint process is available for resolving concerns about the receipt or distribution of a support payment(s), it shall be available to all custodial parties in the county who receive, or have received Title IV-D services.~~
- ~~.4 Each district attorney shall adopt the formal complaint process and develop a system with at least one designated complaint coordinator and sufficient staff to resolve all formal complaints within time frames mandated by this chapter.~~
- ~~.41 The name, address, and phone number of the complaint coordinator(s) shall be provided to the Department.~~
- ~~.5 District attorneys shall use required forms and notices developed by the Department for the administration of the formal complaint process (see Section 12-1005 et seq.).~~

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California); Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California); and 45 Code of Federal Regulations Section 74.52(b).

~~12-1015~~ **INFORMAL COMPLAINTS**

~~12-1015~~

- ~~.1 If an informal complaint process is available, a custodial party may file an informal complaint orally or in writing.~~
- ~~.2 At the outset of the informal process the custodial party shall be informed orally or in writing of the following:
 - ~~.21 The custodial party does not have to go through the informal review process.~~
 - ~~.22 The custodial party may file a formal complaint during or following the completion of the informal process.~~
 - ~~.23 The formal complaint process begins when the custodial party submits a Child Support Complaint Form (CS 901).~~
 - ~~.24 A Child Support Complaint Form (CS 901) shall be provided upon request with instructions on how to file a formal complaint.~~
 - ~~.25 Time spent in the informal process is not applied to the 60-day timely filed formal complaint requirements (see Section 12-1020.132).~~~~
- ~~.3 The district attorney shall review the complaint and other documents or information needed to make an informed decision.
 - ~~.31 If additional information is needed from the custodial party, the custodial party shall be given an opportunity to provide that information.~~
 - ~~.32 If additional information or records from another entity are needed to make an accurate decision, the case manager shall request the information or records, or subpoena them if necessary and possible.~~~~
- ~~.4 The district attorney shall inform the custodial party, orally or in writing, of the results of the review.
 - ~~.41 If it is determined that the custodial party is due a corrective payment(s), the payment(s) shall be issued within 15 days from the date the custodial party was informed of the decision.~~~~
- ~~.5 The district attorney shall document all of the following in the custodial party's case file or record:
 - ~~.51 The decision and supporting information.~~
 - ~~.52 The date the informal complaint was filed.~~
 - ~~.53 The date the oral or written determination was provided to the custodial party.~~
 - ~~.54 The date a payment(s) was issued to the custodial party.~~~~

~~.55—The dates and nature of all oral or written contacts with the custodial party.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).~~

~~12-1020 FORMAL COMPLAINTS~~

12-1020

- ~~.1 Formal complaints must be submitted in writing on a Child Support Complaint Form (CS 901).~~
- ~~.11 Upon request, the Child Support Complaint Form (CS 901) shall be provided promptly to a custodial party.~~
- ~~.12 Written complaints that are not submitted on the Child Support Complaint Form (CS 901) shall be deemed to be informal requests for a review and processed in accordance with Section 12-1015.~~
- ~~.13 Formal complaints shall be date stamped by the receiving district attorney's office to identify date of receipt.~~
- ~~.131 The date of receipt of a formal complaint shall be the filing date.~~
- ~~.132 Except as provided at Sections 12-1020.16 and 12-1020.263, a timely filed complaint is one that conforms to either of the following criterion:~~
- ~~(a) A formal complaint filed within 60 days of the date the custodial party first learned of the problem.~~
- ~~(b) A formal complaint filed within 60 days of receipt of the Statement of Collections and Distribution that contains the information with which the custodial party disagrees.~~
- ~~.14 The district attorney shall screen each formal complaint for compliance with formal complaint filing requirements, and coordinate and track the processing of formal complaints.~~
- ~~.15 An Informing Notice (CS 905) shall be issued to a custodial party if a formal complaint is incomplete, or the complaint coordinator does not understand the essence of the complaint.~~
- ~~.151 The Informing Notice (CS 905) shall advise the custodial party what he/she must do to complete or clarify the formal complaint, and that the time frame for resolution of the formal complaint begins on the date the district attorney receives the information necessary to complete or clarify the complaint.~~
- ~~.152 A timely filed complaint that is incomplete or unclear shall be deemed to have been filed timely, but the 60 day resolution time frame commences from the date the completed or clarified formal complaint is received.~~
- ~~.16 If a custodial party inappropriately files a request for a state administrative hearing on a receipt or distribution issue that is determined to be unhearable, and later files a formal complaint with a district attorney, the date of the request for the state administrative hearing, if available, shall be used to determine whether the formal complaint is filed timely.~~

- ~~.161~~ If the date of the request for a state administrative hearing cannot be verified, the date of receipt of the formal complaint by the district attorney shall determine whether the complaint was filed timely.
- ~~.2~~ The district attorney shall review the formal complaint and gather all necessary records and information:
- ~~.21~~ Regardless of whether a formal complaint is filed timely, if a Response to Complaint (CS 900) cannot be issued within 30 days of the district attorney's receipt of the complaint, the custodial party shall be provided with an Informing Notice (CS 899) that includes the following information:
- ~~.211~~ Verification that the formal complaint was received by the district attorney;
- ~~.212~~ The IV-D case number, and the name, address, and phone number of the complaint coordinator assigned to the case;
- ~~.213~~ A date by which the custodial party shall receive a written response;
- ~~.214~~ Instructions to the custodial party that if he or she wants to submit additional documents or information pertinent to the formal complaint, the information must be submitted within 10 days of the date of the notice for a timely resolution:
- ~~(a)~~ The instructions shall advise the custodial party that information received after that time may delay the resolution of the formal complaint;
- ~~.22~~ A custodial party shall be provided with an Informing Notice (CS 904) if it is discovered during the review or screening of a formal complaint that it is subject to one of the following circumstances:
- ~~.221~~ The complaint is not about the receipt or distribution of a support payment(s):
- ~~(a)~~ Information shall be included on the notice explaining how the complaint can be resolved;
- ~~.222~~ The complaint is not about a child support issue:
- ~~(a)~~ If known, the custodial party shall be provided the name and address of the appropriate agency to contact for resolution of his or her concerns;
- ~~.223~~ The complaint is about the amount of or eligibility for a disregard, excess, or pass-on payment, or the retention of support for the repayment of welfare:
- ~~(a)~~ The custodial party shall be informed that the formal complaint is

~~one that may be under the jurisdiction of the state administrative hearing process, and information shall be provided about how to file for a state hearing.~~

- (b) ~~The custodial party shall be informed that the district attorney will continue to review the formal complaint unless the custodial party submits a written request to withdraw it, or the district attorney becomes aware that a request for a state hearing has been filed about the same issue.~~

~~.224 The complaint is the same complaint previously filed and that complaint is still being reviewed.~~

- (a) ~~The custodial party shall be provided a date by which a response shall be issued pertaining to the original complaint.~~

~~.225 The complaint is the same complaint submitted previously and a written decision was issued to the custodial party.~~

- (a) ~~The date of the decision shall be included on the notice.~~

~~.23 Within 30 days of the custodial party's receipt of a notice (CS 904) advising him or her that one of the circumstances identified on the notice is applicable to the formal complaint, and the custodial party disagrees, he or she may appeal that determination to the Department.~~

~~.231 The custodial party must submit the appeal on a County FSD Back (reverse side of the CS 904) or on a State Level Appeal Form (CS 896). (See Section 12-1025.14 regarding distribution of a CS 896.)~~

~~.24 If it is determined during the review that additional documentation or information, that can reasonably be expected to be in the possession of the custodial party, is needed to resolve the complaint, an Informing Notice (CS 905) shall be issued requesting the additional documentation or information.~~

~~.241 The notice shall inform the custodial party that the additional documentation or information should be submitted within 10 days of receipt of the request, and that information submitted after 10 days may extend the time in which the district attorney can resolve the complaint.~~

~~.25 Whenever information or records from another agency or entity are needed to make an accurate decision, the complaint coordinator shall request the records or information and subpoena them if necessary and possible.~~

~~.26 If it is determined during the review that the payment(s) in question was received, retained, or distributed by a Title IV-D office in another California county, and the complaint cannot be resolved in the county wherein the formal complaint was filed, the following actions shall be taken:~~

~~.261 The formal complaint shall be immediately transferred to the other county.~~

- ~~.262~~ The custodial party shall be provided with an Informing Notice (CS 903) advising him or her that the complaint was forwarded to another county.
- (a) ~~Included on the notice shall be the name, address, and telephone number of the office where the formal complaint was transferred, and the name of the complaint coordinator at that office.~~
- ~~.263~~ A determination of timely filing of a transferred formal complaint shall be based on the date of filing in the original county.
- ~~.264~~ The resolution time frame for a transferred formal complaint shall commence from the date the receiving county receives the formal complaint.
- ~~.3~~ A district attorney shall respond in writing to all formal complaints.
- ~~.4~~ Within 60 days of receipt of a timely filed formal complaint, the district attorney shall issue a Response to Complaint (CS 900).
- ~~.41~~ If a Response to Complaint (CS 900) is not provided to a custodial party within 30 days of receipt of a formal complaint, an Informing Notice (CS 899) shall be issued notifying the custodial party of receipt of the complaint and the date by which the custodial party can expect to receive a written determination.
- ~~.42~~ The 60-day response time frame may be extended for an additional 60 days for good cause due to any of the following:
- ~~.421~~ The formal complaint is not filed within 60 days from the date the custodial party first learned of the problem, or within 60 days from the issuance date of the Statement of Collections and Distribution that contains the information with which the custodial party disagrees.
- ~~.422~~ A district attorney receives incorrect notification that a state administrative hearing was requested pertaining to the same issue contained in the formal complaint.
- ~~.423~~ An agency or entity beyond the control of the district attorney does not respond timely to requests for information.
- ~~.424~~ Applicable records are not readily available because the receipts or distributions at issue occurred beyond record retention time frames.
- ~~.425~~ The custodial party is not cooperative with respect to matters within his or her control.
- ~~.426~~ Other circumstances beyond the control of the district attorney that impede a timely determination of the formal complaint.
- ~~.43~~ If the formal complaint cannot be resolved within prescribed time frames due to

- circumstances specified at Section 12-1025.41 et seq., an Informing Notice (CS 903) shall be issued to the custodial party that provides the reason for the delay and a date by which the custodial party can expect to receive a written response.
- ~~.44 The Response to Complaint (CS 900) shall include the basis for the determination, including a reference to the appropriate authority and a list of pertinent documents reviewed.~~
- ~~.441 A copy of the custodial party's formal complaint shall be provided to him or her along with the Response to Complaint (CS 900).~~
- ~~.442 A copy of the Response to Complaint (CS 900) shall be mailed to a designated representative.~~
- ~~.443 A copy of the Response to Complaint (CS 900) shall be retained in the custodial party's case file.~~
- ~~.45 If the Response to Complaint (CS 900) indicates that the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) no later than 15 days after issuing the determination.~~
- ~~.46 The Response to Complaint (CS 900) shall advise the custodial party that he or she has 20 days from the date of receipt of the written response to request the district attorney to reconsider the determination.~~
- ~~.461 The request may be made in person, by telephone, or in writing.~~
- ~~.462 The custodial party shall be afforded an opportunity to discuss the Response to Complaint by telephone, in writing, or at the district attorney's option, in person.~~
- ~~.47 With the exception of the requirement at Section 12-1025.71, if the custodial party does not request a redetermination within 20 days after receipt of the Response to Complaint (CS 900), that determination becomes the final decision and the district attorney is not required to issue an additional written decision.~~
- ~~.48 If the custodial party disagrees with the Response to Complaint (CS 900), but chooses not to request a redetermination, the custodial party may appeal to the Department for a state level review (see Section 12-1025.1 et seq.).~~
- ~~.5 Following a request for a reconsideration of the Response to Complaint (CS 900), the district attorney shall review any additional information provided by the custodial party, and issue a Final Decision (CS 902).~~
- ~~.51 The Final Decision (CS 902) shall include the basis for the redetermination, including a reference to the appropriate authority and a list of pertinent documents reviewed.~~
- ~~.52 The Final Decision (CS 902) shall be issued within 20 days of either the request for a reconsideration or the last communication between the district attorney and the~~

~~eustodial party, whichever is later.~~

- ~~.53 If the district attorney's redetermination is that the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) no later than 15 days after issuing the Final Decision (CS 902).~~
- ~~.54 A copy of the custodial party's formal complaint shall be provided to him or her along with the Final Decision.~~
- ~~.55 A copy of the Final Decision shall be mailed to a designated representative.~~
- ~~.56 A custodial party may appeal a district attorney's Final Decision to the Department (see Section 12-1025.1 et seq.).~~

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- ~~.6 Consistent with 45 Code of Federal Regulations Section 74.53(b) and Manual of Policies and Procedures Section 25-900(e), a district attorney should retain copies of formal complaints (CS 901) and the written responses to those complaints (CS 900/CS 902) for three years from the date of issuance of those decisions.~~

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~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S-90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California); Barnes v. Anderson et al., Memorandum and Order, NO. CIV S-90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California); and 45 Code of Federal Regulations Section 74.53(b).~~

~~12-1025~~ STATE LEVEL APPEALS

~~12-1025~~

- ~~.1~~ An appeal for a state level review of a district attorney's determination pertaining to a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904) shall be filed in accordance with the following:
 - ~~.12~~ A custodial party may request a state level review of a Response to Complaint (CS 900) if he or she does not choose to request that a district attorney reconsider the determination; and the appeal is filed with the Department within 30 days of the custodial party's receipt of the Response to Complaint (CS 900).
 - ~~.13~~ A custodial party may request a state level review of a district attorney's Final Decision (CS 902) if the appeal is filed within 30 days of his or her receipt of that decision.
 - ~~.14~~ A custodial party may request a state level review of a district attorney's determination that one of the circumstances identified on the Informing Notice (CS 904) applies to a formal complaint, if the appeal is filed within 30 days of his or her receipt of that determination.
 - ~~.15~~ A custodial party must submit a request for a state level review of a district attorney's determination regarding a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904) on a State Level Appeal Form (CS 896) or a County FSD Back.

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- ~~.151~~ The County FSD Back is the reverse side of a CS 900, CS 902, and CS 904, and is identical to the State Level Appeal Form (CS 896).

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- ~~.152~~ A State Level Appeal Form (CS 896) shall be provided to a custodial party upon request.
- ~~.2~~ Designated departmental staff shall screen requests for a state level review to confirm that the issue(s) concerns the receipt or distribution of a support payment(s).
 - ~~.21~~ An appeal request that does not involve the receipt or distribution of a support payment(s), but was reviewed by a district attorney prior to submittal to the Department, shall be reviewed by the Department according to standard procedures for responding to complaints about child support issues.
 - ~~.22~~ If a request for a state level review of a district attorney's decision includes the receipt or distribution of a support payment(s) and other child support program issues, the Department shall respond to the receipt or distribution issue(s) in accordance with these regulations. The remaining issues shall be reviewed in accordance with the Department's standard procedure for responding to complaints about child support issues.

- ~~.3 The Department will issue an Informing Notice (CS 897) to the custodial party within 10 working days of receipt of the appeal request.~~
- ~~.31 The notice shall contain an address and phone number by which the custodial party may communicate with the Department.~~
- ~~.32 The notice shall advise the custodial party that the Department shall attempt to issue a Final Decision (CS 898) on the appeal within 60 days of receipt of the request for a state level review.~~
- ~~.321 The 60-day response time frame may be extended for an additional 60 days for good cause due to any of the following:~~
- ~~(a) An agency or entity beyond the control of the Department does not respond timely to requests for information.~~
- ~~(b) Applicable records are not readily available because the receipts or distributions at issue occurred beyond record retention time frames.~~
- ~~(c) The custodial party is not cooperative with respect to matters within his or her control.~~
- ~~(d) Other circumstances beyond the control of the Department that impede a timely determination of the request for a state level review.~~
- ~~.322 The custodial party shall be provided with an Informing Notice (CS 897) advising him or her of an extension of the response time frame and the reason for the extension.~~
- ~~.4 The Department shall contact the complaint coordinator at the Title IV-D office where the district attorney's written determination was rendered, and request that the following information be transmitted to the Department within 10 days:~~
- ~~.41 Copies of relevant Statements of Collections and Distribution that were not provided to the Department by the custodial party, or a summary of the receipt or distribution information relevant to the appeal.~~
- ~~.42 Copies of all other documents and records reviewed by the district attorney in reaching the determination.~~
- ~~.5 If the Department requests additional information from a custodial party, he or she shall be given 10 days to provide that information.~~
- ~~.6 The Department shall review the district attorney's Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904), and all supporting documents or information provided by the custodial party and the Title IV-D office.~~
- ~~.61 The state level appeal shall not be limited to the custodial party's stated reasons for~~

~~disagreeing with the district attorney's written determination.~~

~~.611 During the state level review, if receipt or distribution errors are discovered other than those upon which the appeal is based, the Department shall acknowledge those errors and advise the district attorney that rendered the written determination to take appropriate corrective action.~~

~~.62 If the Department is unable to reach a determination because the information provided by the Title IV-D office is incomplete or insufficient, the Department shall request that the agency provide additional documents or specified information.~~

~~.621 The additional documents or specified information shall be provided to the Department within five working days of the request.~~

~~.7 If the state level appeal cannot be determined on the record from the district attorney, because of new evidence or issues, the complaint may be returned to the district attorney for reconsideration.~~

~~.71 Following a review of the new evidence or issues, the district attorney shall issue another written determination within 30 days of receipt of the formal complaint from the Department.~~

~~.8 The Department shall render a Final Decision (CS 898) on the appeal request adopting or rejecting a district attorney's determination pertaining to a Response to Complaint (CS 900), Final Decision (CS 902), or Informing Notice (CS 904); and the Department shall transmit the decision to the appropriate district attorney, the custodial party, and if applicable, to a designated representative.~~

~~.81 The Department's Final Decision (CS 898) on the appeal shall contain the reasons and authority for its conclusion.~~

~~.82 If the state level review indicates the custodial party is due a corrective payment(s), the district attorney shall issue the payment(s) within 15 days of receipt of the Department's Final Decision (CS 898).~~

~~.9 The Department's Final Decision (CS 898) shall be the final resolution of issues subject to review under the provisions of the Title IV-D Complaint Resolution Procedures.~~

~~NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475 and 11479.5, Welfare and Institutions Code; Barnes v. Anderson et al., Permanent Injunction and Judgment, NO. CIV S 90-0579, filed April 14, 1995 (United States District Court for the Eastern District of California) and Barnes v. Anderson et al., Memorandum and Order, NO. CIV S 90-0579, filed October 27, 1994 (United States District Court for the Eastern District of California).~~

(39) Repeal Manual of Policies and Procedures 12-712 as follows:

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~~12-712~~ **ADMINISTRATIVE REVIEW PROCEDURES** ~~12-712~~

- ~~.1~~ If an NCP challenges an intercept submission within 30 days after receipt of the "Child Support Warning Notice" (DPS 236) or within 15 days after receipt of the "Offset Notice" (DPS 245), the submitting local child support agency shall attempt to resolve the dispute.
- ~~.2~~ The submitting local child support agency shall first complete an informal review to attempt to resolve the complaint. The informal review procedure is as follows:
 - ~~.21~~ The local child support agency shall:
 - ~~.211~~ Review all necessary legal documents and proof of payment from the NCP.
 - ~~.212~~ If an intercept notice has been received, attempt to obtain a copy of the notice from the NCP.
 - ~~.213~~ Audit its records and report the findings to the NCP in writing. Written findings shall inform the NCP of the right to a formal review as provided in Section 12-712.3.
 - ~~.214~~ Document case records with all actions and findings of such audit.
 - ~~.215~~ If an error was detected, the local child support agency shall:
 - ~~(a)~~ Correct all records, accounts receivable, and automated systems.
 - ~~(b)~~ Submit an update to DCSS within five working days.
 - ~~(c)~~ If a tax refund intercept has already been made, the local child support agency shall promptly return any excess money intercepted to the NCP (see Section 12-713, Instructions for Returning Excess Intercepts).
- ~~.3~~ If the dispute was not resolved by the informal review, the submitting local child support agency must conduct a formal administrative review. The administrative review procedures are as follows:
 - ~~.31~~ The local child support agency shall:
 - ~~.311~~ Provide the NCP with a written notice for requesting a formal administrative review. A sample notice shall be provided by CDSS. District attorneys may substitute their own upon approval by CDSS.
 - ~~.312~~ Upon receipt of the request, notify the NCP in both assistance and non-assistance cases, and also the custodial parent in non-assistance cases, of the time and place where the review will be conducted in the county. The review may be done either in person or by telephone, if requested by the NCP.
 - ~~.313~~ Consider all new information and documentation to determine if deletions or modifications are to be made.

~~.314 Report deletions, downward, or upward modifications as a result of an administrative review to DCSS using the standard update format and mailed no later than one day after the decision is made.~~

~~.315 Promptly notify the NCP of the results of the formal review in writing and return any erroneously intercepted money to the NCP (see Section 12-713, Instructions for Returning Excess Intercepts).~~

~~.4 Interstate cases~~

~~.41 "Interstate" cases are those in which another state is involved in the tax intercept.~~

~~.42 The submitting California local child support agency's office shall first attempt to resolve complaints on interstate cases following the procedures outlined in Sections 12-712.1 and .2.~~

~~.43 If the California local child support agency is unable to resolve the complaint and/or the NCP requests an administrative review in the other state, the California local child support~~

~~.431 The California local child support agency shall:~~

~~(a) Notify the other state of the request for review.~~

~~(b) Provide the other state with the following information within ten working days of the request:~~

~~(1) Copy of the order and any modifications.~~

~~(2) Copy of the payment record or the custodial parent's affidavit.~~

~~(3) Custodial parent's address.~~

~~(4) Evidence of assignment or non-assistance application.~~

~~(5) The issues of the review, including the NCP's position and the local child support agency's position.~~

~~(6) The certified arrearage (not the current arrearage). If there are cumulative orders which serve as the basis for the submission, it should be clearly indicated that the former state need only verify a portion of the amount submitted for intercept.~~

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~~.432 The other state will be responsible for:~~

~~(a) Notifying the NCP in both FC and non-assistance cases (and also the custodial parent in non-assistance cases) of the time and the place of the review.~~

- (b) ~~Conducting the review.~~
- (c) ~~Making a decision within 45 days of receipt of the California local child support agency notice and case information.~~
- (d) ~~Notifying the submitting California local child support agency of its decision.~~

HANDBOOK ENDS HERE

- ~~.433 The submitting California local child support agency shall be bound by the decision of the state conducting the review.~~
- ~~.44 If an intercept has occurred, the submitting California local child support agency shall promptly refund any excess money intercepted to the NCP (see Section 12-713, Instructions for Returning Excess Intercepts).~~
- ~~.5 If the administrative review process fails to resolve the dispute, the NCP may take further legal action as allowed by law.~~

~~NOTE: Authority cited: Sections 17302 and 17400, Family Code. Reference: Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) Section 103 [42 U.S.C. 401(a)]; Section 17400, Family Code; and Office of Child Support Enforcement Action Transmittal 98-17, Section IV.A.~~

(40) Repeal the "Request for Complaint Resolution," LCR001, dated (06/01) as follows:

REQUEST FOR COMPLAINT RESOLUTION

FOR AGENCY USE ONLY
LCSA DATE OF RECEIPT

LCSA CASE NUMBER

COMPLAINANT'S NAME (Last) (First) (M.I.) TELEPHONE NUMBER

COMPLAINANT'S MAILING ADDRESS E-MAIL ADDRESS FAX NUMBER

CITY COUNTY STATE ZIP CODE

DESCRIBE YOUR COMPLAINT:

If you need more room, you may continue on another page and attach it to this form.

COMPLAINANT'S SIGNATURE DATE

To request complaint resolution, you can either mail this form to the local child support agency you are complaining about, or call the local child support agency to file your complaint verbally.

--THIS SECTION TO BE COMPLETED BY LCSA REPRESENTATIVE--

This request was taken (check one): ☐ in person ☐ by telephone ☐ by letter

LCSA REPRESENTATIVE'S NAME (Print) LCSA REPRESENTATIVE'S SIGNATURE DATE

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing (SH001) to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter and disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution and/or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative and will not give you legal advice.**

(41) Adopt the "Request for Complaint Resolution," LCR001, dated (12/01) as follows:

REQUEST FOR COMPLAINT RESOLUTION

To request complaint resolution, you can either mail or deliver this form to the local child support agency you are complaining about, or call the local child support agency to file your complaint verbally.

LCSA DATE OF RECEIPT

LCSA CASE NUMBER

COUNTY YOU ARE COMPLAINING ABOUT

(First)

TELEPHONE NUMBER

E-MAIL ADDRESS

FAX NUMBER	
------------	--

STATE

ZIP CODE

DESCRIBE YOUR COMPLAINT: (If you need more space, you may continue on another page and attach it to this form)

COMPLAINANT'S SIGNATURE _____

DATE _____

-THIS SECTION TO BE COMPLETED BY LCSA REPRESENTATIVE-

This request was taken (check one): ☐ in person ☐ by telephone ☐ by letter

This request was taken (check one): ☐ in person ☐ by telephone ☐ by letter

LCSA REPRESENTATIVE'S SIGNATURE

LCSA REPRESENTATIVE'S NAME (Print)	LCSA REPRESENTATIVE'S SIGNATURE	DATE
------------------------------------	---------------------------------	------

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (SH001) to the State Hearing Office, or you can call the State Hearing Office toll free at 1-866-289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

(42) Repeal the "Request for Complaint Resolution Acknowledgement,"
LCR002, dated (06/01) as follows:

L

|||||

Complainant's Name

Address 1

Address 2

City

Zip2

LCSA CASE NUMBER
CASE ID

Date: Current Date

This notice is being sent to you to let you know your request for complaint resolution was received by the local child support agency. Your request for complaint resolution was received by the local child support agency on Date Received. The local child support agency has 30 days from Start 30-Day Count to respond to you in writing regarding the resolution of your complaint, unless more time is needed to resolve your complaint.

The local child support agency will contact you if more information is needed from you to resolve your complaint. The local child support agency will let you know in writing if additional time is needed to resolve your complaint.

If the local child support agency does not respond to you within 30 days of receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. If the local child support agency does not respond to you within 30 days of receiving your complaint and you want to request a State Hearing, you must request a State Hearing within 90 days after you made your complaint to the local child support agency.

If the local child support agency does respond to you within 30 days of receiving your complaint and you are not satisfied with the local child support agency's resolution of your complaint, you have the right to request a State Hearing before an Administrative Law Judge. If you are not satisfied with the local child support agency's resolution of your complaint and you want to request a State Hearing, you must request a State Hearing within 90 days after you received the local child support agency's written complaint response.

You can request a State Hearing in writing by sending the enclosed Request for State Hearing (SH001) form to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714. The State Hearing Office will let you know the date, time, and place of your State Hearing.

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

Complainant's Name

Current Date

Page two

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determination.
- Child visitation determination.
- Complaints of alleged uncourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

If you have any questions or need additional information, please contact:

LCSA WORKER
LCSA ADDRESS
LCSA ADDRESS
LCSA CITY

ST

ZIP1 - ZIP2

S

By: LCSA Worker

Enclosure: SH001

(43) Adopt the "Request for Complaint Resolution Acknowledgement,"
LCR002, dated (10/01) as follows:

LCSA CASE NUMBER:

Date:

The local child support agency received your request for complaint resolution on and will provide you a written resolution within 30 days from that day. The local child support agency will contact you in writing if more time or additional information is needed to resolve your complaint.

If you have not received a written response from the local child support agency within 30 days of filing your complaint, you may request a state hearing. Your request must be made within 90 days after filing your complaint with the local child support agency.

If you received a written resolution to your complaint from the local child support agency and are not satisfied with the response, you may request a state hearing. Your request for state hearing must be made within 90 days of receiving the local child support agency's written response.

You may request a state hearing in writing by completing and sending the enclosed Request for State Hearing form (SH001) to the State Hearing Office or by calling toll free at 1-866-289-4714. The State Hearing Office will provide you with the date, time, and location of your hearing at least 10 days before your hearing date.

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

Page two

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

If you have any questions or need additional information, please contact:

By:

Enclosure: SH001

- (44) Repeal the "Complaint Amendment," LCR003, dated (06/01) as follows:

L

COMPLAINANT'S NAME
COMPLAINANT'S ADDRESS
COMPLAINANT'S ADDRESS
COMPLAINANT'S CITY ST ZIP 1 - ZIP2

FOR AGENCY USE ONLY	
LCSA DATE OF RECEIPT	
DATE COMPLAINT RECD	
LCSA CASE NUMBER	
CASE ID	

COMPLAINT AMENDMENT FORM

DATE OF INITIAL COMPLAINT: DATE INIT COMPLAINT

Your request for complaint resolution dated DATE OF COMPLAINT has been changed based on information you provided to the local child support agency. DATE AMEND RECD
The local child support agency will respond to you in writing about the resolution of your complaint within 30 days from DATE INIT COMPL RECD

DESCRIPTION OF THE CHANGE TO THE COMPLAINT:

TEXT AMENDMENT

X
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--THIS SECTION TO BE COMPLETED BY LCSA REPRESENTATIVE--

This complaint amendment was taken (check one): ☐ in person ☐ by telephone ☐ by letter

LCSA REPRESENTATIVE'S NAME (Print)

LCSA WORKER

LCSA REPRESENTATIVE'S SIGNATURE

DATE

DATE CURRENT

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
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- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

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- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution and/or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative and will not give you legal advice.**

- (45) Adopt the "Complaint Amendment," LCR003, dated (10/01) as follows:

FOR AGENCY USE ONLY
LCSA DATE OF RECEIPT
LCSA CASE NUMBER

<p align="center">COMPLAINT AMENDMENT FORM</p>

DATE OF INITIAL COMPLAINT:

Your request for complaint resolution dated _____ has been changed based on information you provided to the local child support agency on _____. The local child support agency will respond to you in writing about the resolution of your complaint within 30 days from _____.

DESCRIPTION OF THE CHANGE TO THE COMPLAINT:

-THIS SECTION TO BE COMPLETED BY LCSA REPRESENTATIVE-	
This complaint amendment was taken (check one): <input type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by letter	
LCSA REPRESENTATIVE'S NAME (Print)	
LCSA REPRESENTATIVE'S SIGNATURE	DATE

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (SH001) to the State Hearing Office, or you can call the State Hearing Office toll free at 1-866-289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

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- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative or give you legal advice.**

(46) Repeal the "Complaint Transfer," LCR004, dated (06/01) as follows:

LOCAL CHILD SUPPORT AGENCY
LCSA ADDRESS
LCSA ADDRESS
LCSA CITY ST ZIP1 - ZIP2

The attached Request for Complaint Resolution is being transferred to your county for resolution. If you believe the complaint issue is not within your county's jurisdiction, please contact the local child support agency representative identified below within five (5) business days.

DATE ORIGINAL COMPLAINT RECEIVED IN TRANSFERRING COUNTY	CNTY TRANSF TO	LCSA CASE NUMBER	CASE ID
COMPLAINANT'S NAME		TELEPHONE NUMBER	
COMPLAINANT'S NAME		(XXX) XXX-XXXX	
COMPLAINANT'S MAILING ADDRESS		FAX NUMBER	
COMPLAINANT'S ADDRESS		(XXX) XXX-XXX	
COMPLAINANT'S ADDRESS		EMAIL ADDRESS	
COMPLAINANT'S CITY ST ZIP1 -ZIP2		COMPLAINANT'S EMAIL ADDRESS	
COUNTY: COMPLS COUNTY			

TEXT REASON FOR TRANSFER

X
X
X
X
X
X
X
X
X
X
X
X

NAME OF TRANSFERRING LCSA (COUNTY)	NAME OF TRANSFERRING LCSA REPRESENTATIVE	
CNTY TRANS FRM	LCSA WORKER	
SIGNATURE OF TRANSFERRING LCSA REPRESENTATIVE	TELEPHONE NUMBER	DATE
	(XXX) XXX-XXXX	DATE CURRENT

LOCAL CHILD SUPPORT AGENCY
LCSA ADDRESS
LCSA ADDRESS
LCSA CITY STATE ZIP1 - ZIP2

The attached Request for Complaint Resolution is being transferred to your county for resolution. If you believe the complaint issues are not within your county's jurisdiction, please contact the local child support agency representative identified below within five (5) business days.

DATE ORIGINAL COMPLAINT RECEIVED IN TRANSFERRING COUNTY		LOCAL CASE NUMBER
COUNTY	COUNTY TRANSF TO	CASE ID

COMPLAINANT'S MAILING ADDRESS	FAX NUMBER
COMPLAINANT'S ADDRESS	(XXX) XXX-XXX

REASON FOR COMPLAINT TRANSFER

X
X
X
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X
X
X
X
X
X

NAME OF TRANSFERRING LCSA (COUNTY) CNTY TRNSF FRM		NAME OF TRANSFERRING LCSA REPRESENTATIVE LCSA WORKER	
SIGNATURE OF TRANSFERRING LCSA REPRESENTATIVE		TELEPHONE NUMBER (XXX) XXX-XXXX	DATE DATE CURRENT

|||||
COMPLAINANT'S NAME
COMPLAINANT'S ADDRESS
COMPLAINANT'S ADDRESS
COMPLAINANT'S CITY ST ZIP 1 - ZIP2

REPEAL

- (47) Adopt the "Complaint Transfer," LCR004, dated (10/01) as follows:

COMPLAINT TRANSFER

NOTICE TO RECEIVING LOCAL CHILD SUPPORT AGENCY: The attached Request for Complaint Resolution is being transferred to your county for resolution. If you believe the complaint is not within your county's jurisdiction, please contact the local child support agency representative identified below within five (5) business days.

NOTICE TO COMPLAINANT: This is to let you know that your complaint has been transferred to another county. No action is required from you at this time. The new county will notify you within five (5) business days of their receipt of the complaint. If you need more information, you may contact your Local Child Support Agency.

COMPLAINT TRANSFERRED TO (county):

ON (date):

DATE ORIGINAL COMPLAINT RECEIVED IN TRANSFERRING COUNTY

LCSA CASE NUMBER

COMPLAINANT'S NAME

TELEPHONE NUMBER

() -

COMPLAINANT'S MAILING ADDRESS

FAX NUMBER

() -

EMAIL ADDRESS

COUNTY:

REASON FOR COMPLAINT TRANSFER

NAME OF TRANSFERRING LCSA (COUNTY)

NAME OF TRANSFERRING LCSA REPRESENTATIVE

SIGNATURE OF TRANSFERRING LCSA REPRESENTATIVE

TELEPHONE NUMBER

DATE

() -

COMPLAINT TRANSFER

NOTICE TO RECEIVING LOCAL CHILD SUPPORT AGENCY: The attached Request for Complaint Resolution is being transferred to your county for resolution. If you believe the complaint is not within your county's jurisdiction, please contact the local child support agency representative identified below within five (5) business days.

NOTICE TO COMPLAINANT: This is to let you know that your complaint has been transferred to another county. No action is required from you at this time. The new county will notify you within five (5) business days of their receipt of the complaint. If you need more information, you may contact your Local Child Support Agency.

COMPLAINT TRANSFERRED TO (county):

ON (date):

DATE ORIGINAL COMPLAINT RECEIVED IN TRANSFERRING COUNTY

LCSA CASE NUMBER

COMPLAINANT'S NAME

TELEPHONE NUMBER

() -

COMPLAINANT'S MAILING ADDRESS

FAX NUMBER

() -

EMAIL ADDRESS

COUNTY:

REASON FOR COMPLAINT TRANSFER

NAME OF TRANSFERRING LCSA (COUNTY)

NAME OF TRANSFERRING LCSA REPRESENTATIVE

SIGNATURE OF TRANSFERRING LCSA REPRESENTATIVE

TELEPHONE NUMBER

() -

DATE

(48) Repeal the "Notice of Complaint Resolution Extension," LCR005, dated (06/01) as follows:

L

|||||

Complainant's Name

Address

Address 2

City

St zip1 - zip2

LCSA CASE NUMBER:
CASE ID

Date: Current Date

This is to respond to your Date of Complaint request for complaint resolution that was received by the local child support agency on Date Received . You requested complaint resolution regarding the following:

Text Complaint

x
x
x
x
x
x

The local child support agency needs more time to respond to your complaint because.

Text Reason for Extension

x
x
x
x
x
x

The local child support agency will respond in writing to your complaint no later than Date Response Due

If you have any questions or need more information, please contact:

LCSA WORKER
LCSA ADDRESS
LCSA ADDRESS
LCSA CITY

ST ZIP1 - ZIP2

Sincerely,

s

Signature of Director
Local Child Support Agency Director

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT:** *Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.*
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT:** *Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.*
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge. **IMPORTANT:** *Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.*
- You can request a State Hearing in writing by sending a Request for State Hearing (SH001) to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT:** *Not all complaints can be heard at a State Hearing.*

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency, is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution and/or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT:** *The Ombudsperson cannot be your representative and will not give you legal advice.*

- (49) Adopt the "Notice of Complaint Resolution Extension," LCR005, dated (10/01) as follows:

LCSA CASE NUMBER:

Date:

This is to respond to your
received by the local child support agency on
complaint resolution regarding the following:

request for complaint resolution that was
. You requested

The local child support agency needs more time to respond to your complaint because:

The local child support agency will respond in writing to your complaint no later than
. If you have any questions or need more information, please contact:

Sincerely,

Local Child Support Agency Director
LCR 005 (10/01)

RIGHT TO COMPLAINT RESOLUTION:

- If you have a complaint against a local child support agency or the Franchise Tax Board for any action or inaction regarding your child support case, you have the right to request complaint resolution from the local child support agency.
- You can make a complaint in writing by completing the reverse side of this form, or you can call the local child support agency.
- **IMPORTANT: Your request for complaint resolution must be made within 90 days from the date you knew, or should have known, about the subject of your complaint.**
- The local child support agency has 30 days from the date it receives your complaint to give you a written resolution of your complaint, unless the local child support agency needs more information or time to resolve your complaint. The local child support agency will contact you if it needs more information or time to resolve your complaint.

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (SH001) to the State Hearing Office, or you can call the State Hearing Office toll free at 1-866-289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

(50) Repeal the "Notice of Complaint Resolution," LCR006, dated (06/01) as follows:

L

|||||

Complainant's Name

Address1

Address2

City

ST

zip1 - zip2

LCSA CASE NUMBER

CASE ID

Date: DATE CURRENT

This is to respond to your Date of Request request for complaint resolution that was received by the local child support agency on Date Received. You requested complaint resolution regarding the following:

TEXT COMPLAINT

X

X

After investigating your complaint, the local child support agency has made the following decision:

TEXT DECISION

X

X

X

The local child support agency will take the following action:

TEXT DETERMINATION

X

X

X

X

X

The local child support agency referred to the following federal or state laws, regulations, or Department of Child Support Services policy letters to make its decision for resolution to your complaint.

TEXT CITATION

X

X

If you are not satisfied with the local child support agency's resolution of your complaint, you can request a State Hearing before an Administrative Law Judge within 90 days after you get this notice. You can request a State Hearing in writing by sending the enclosed Request for State Hearing (SH001) form to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714. The State Hearing Office will let you know the date, time, and place of your State Hearing.

If you need help or assistance to request or prepare for a State Hearing, the local child support agency will help you. If you need an interpreter or you have a disability and you need assistance, please call the State Hearing Office at 1-(866) 289-4714.

Complainant's Name

DATE CURRENT

Page two

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motions to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

If you have any questions about this notice, need help to request a State Hearing, need information to prepare for a State Hearing, need an interpreter or disability accommodation at the State Hearing, or have any other questions, please contact

LCSA WORKER
LCSA ADDRESS
LCSA ADDRESS
LCSA CITY

ST ZIP1 ZIP2

Sincerely,

D

SIGNATURE LCSA DIRECTOR
Local Child Support Agency Director

Enclosure: SH001

(51) Adopt the "Notice of Complaint Resolution," LCR006, dated (10/01) as follows:

LCSA CASE NUMBER:

Date:

This is to respond to your
received by the local child support agency on
complaint resolution regarding the following:

request for complaint resolution that was
. You requested

After investigating your complaint, the local child support agency has made the following
decision:

The local child support agency will take the following action:

Page two

The local child support agency referred to the following federal or state laws, regulations, or Department of Child Support Services policy letters to make its decision for resolution to your complaint.

If you are not satisfied with the local child support agency's resolution of your complaint, you can request a State Hearing before an Administrative Law Judge. You can request a State Hearing in writing by sending the enclosed Request for State Hearing form (SH001) to the State Hearing Office, or you can call the State Hearing Office toll free at 1-866-289-4714. You must request a hearing within 90 days after you get this notice. The State Hearing Office will let you know the date, time, and place of your State Hearing.

If you need an interpreter or an accommodation because of a disability, please call the State Hearing Office at the above number for assistance.

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

If you have any questions about this notice, need help to request a State Hearing, need information to prepare for a State Hearing, or have any other questions, please contact your local child support agency at:

Sincerely,

Local Child Support Agency Director [or designee]

Enclosure: SH001

- (52) Repeal the "Request for State Hearing," SH001, dated (06/01) as follows:

REQUEST FOR STATE HEARING

YOUR HEARING RIGHTS:

You have the right to request a state hearing if you are not satisfied with the local child support agency's resolution to your complaint, or if the local child support agency has not responded to you or resolved your complaint within 30 days of when you made your complaint. You have only 90 days to request a state hearing. The 90 days starts after you receive the local child support agency's written resolution to your complaint. If the local child support agency has not responded to your complaint in writing, the 90 days starts the day you made your complaint.

TO ASK FOR A STATE HEARING:

- Fill out this form.
- Keep a copy of this form for your records.
- Send this form to:

State Hearing Office
744 P Street, M.S. 19-98
Sacramento, CA 95814

OR

Call toll free: 1-866-289-714

HEARING REQUEST INFORMATION:

COMPLAINANT NAME (Last)		(M.I.)	TELEPHONE NUMBER
MAILING ADDRESS		E-MAIL ADDRESS	FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE

I want a state hearing because:

- ☐ If you need more space, check here and attach another page.
- ☐ I need the State to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)
- My language or dialect is: _____
- ☐ I have a disability and need the State to provide me the following reasonable accommodation to participate at my hearing: _____
- ☐ I want the person named below to represent me at this hearing. I give my permission for this person to have access to my records or attend the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME _____ TELEPHONE NUMBER _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

COMPLAINANT'S SIGNATURE _____	DATE _____
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RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing (SH001) to the State Hearing Office, or you can call the State Hearing Office at 1-(866) 289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time frame.
- The child support services case has been acted upon in violation of federal or state law or regulation, or Department of Child Support Services policy letter, in connection with services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to provide assistance regarding complaint resolution and/or State Hearing.
- The Ombudsperson can help you make your complaint with the local child support agency, or request a State Hearing from the State Hearing Office.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot be your representative and will not give you legal advice.**

- (53) Adopt the "Request for State Hearing," SH001, dated (10/01) as follows:

REQUEST FOR STATE HEARING

YOUR HEARING RIGHTS:

You have the right to request a state hearing if you are not satisfied with the local child support agency's resolution of your complaint, or if the local child support agency has not responded to you or resolved your complaint within 30 days of when you made your complaint. You have only 90 days to request a state hearing. The 90 days starts after you receive the local child support agency's written resolution to your complaint. If the local child support agency has not responded to your complaint in writing, the 90 days starts the day you made your complaint.

TO ASK FOR A STATE HEARING:

- Fill out this form.
- Keep a copy of this form for your records.
- Send this form to: ----->

State Hearing Office
744 P Street, M.S. 19-98
Sacramento, CA 95814

OR

Call toll free: 1-866-289-4714

HEARING REQUEST INFORMATION:

COMPLAINANT NAME (Last) (First) (M.I.)			TELEPHONE NUMBER
MAILING ADDRESS			FAX NUMBER
CITY	COUNTY	STATE	ZIP CODE
E-MAIL ADDRESS		DATE OF BIRTH	SOCIAL SECURITY NUMBER

Note: The State Hearing Office will not schedule a State Hearing unless you have first gone through the local child support agency complaint resolution process and it has been at least 30 days since you filed your complaint.

Please answer the following questions:

1. Have you gone through the complaint resolution process? ☐ Yes ☐ No
 If no, you must complete the complaint resolution process before you can request a state hearing.
2. Has it been more than 30 days since you requested complaint resolution? ☐ Yes ☐ No
3. Did you receive a resolution notice (Form LCR 006) from the local child support agency? ☐ Yes ☐ No
4. What county is your complaint against? _____
5. In what county do you want your hearing held? _____

I want a state hearing because: *(If you need more room, you may continue on another page and attach it to this form.)*

REQUEST FOR STATE HEARING - Page two

- ☐ I need the State to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)
My language or dialect is: _____
- ☐ I have a disability and need the State to provide me the following reasonable accommodation to participate at my hearing: _____
- ☐ I want the person named below to represent me at this hearing. I give my permission for this person to have access to my records or attend the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME _____		TELEPHONE NUMBER _____
STREET ADDRESS _____		
CITY _____	STATE _____	ZIP CODE _____
COMPLAINANT'S SIGNATURE _____		DATE _____

RIGHT TO A STATE HEARING:

- If the local child support agency **does not** respond to you within 30 days from receiving your complaint, you have the right to request a State Hearing before an Administrative Law Judge. **IMPORTANT: Your request for a State Hearing must be made within 90 days after you complained to the local child support agency.**
- If the local child support agency **does** respond to you within 30 days of making your complaint, and you are not satisfied with the local child support agency's complaint resolution or response, you have the right to request a state hearing before an Administrative Law Judge. **IMPORTANT: Your request for State Hearing must be made within 90 days after you received the local child support agency's written response to your complaint.**
- You can request a State Hearing in writing by sending a Request for State Hearing form (SH001) to the State Hearing Office, or you can call the State Hearing Office toll free at 1-866-289-4714.
- The State Hearing Office will let you know the date, time, and place of your State Hearing.
- The State Hearing Office will provide an interpreter or disability accommodation for you at the hearing if you need one.
- **IMPORTANT: Not all complaints can be heard at a State Hearing.**

State Hearings will only be granted for the following issues:

- An application for child support has been denied or has not been acted upon within the required time
- The child support services case has been acted upon in violation of federal or state law or regulation, or California Department of Child Support Services policy letter, including services for the establishment, modification, and enforcement of child support orders and child support accountings.
- Child support collections have not been distributed, or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the local child support agency is inaccurate.
- The local child support agency's decision to close a child support case.

IMPORTANT: The following issues cannot be heard at a State Hearing:

- Child support issues that must be addressed by motion, order to show cause, or appeal in a court.
- A review of any court order for child support or child support arrears.
- A court order or equivalent determination of paternity.
- A court order for spousal support.
- Child custody determinations.
- Child visitation determinations.
- Complaints of alleged discourteous treatment by a local child support agency employee, unless such conduct resulted in a hearable action or inaction.

OMBUDSPERSON SERVICES:

- Every local child support agency has an Ombudsperson available to help you through the complaint resolution and/or State Hearing process.
- The Ombudsperson can help you obtain information regarding your complaint to help you prepare for your State Hearing.
- **IMPORTANT: The Ombudsperson cannot represent you at the State Hearing or give you legal advice.**

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

Section 110182. Custodial Party. This final statement of reasons corrects the reference contained in the initial statement of reasons from Section 11542 to Section 111542 as one of the regulatory sections being clarified by Section 110182.

Section 110186. Customer. This section was amended to place the word “Customer” in quotation marks, and to correct a spelling error for the word “inquiries.”

Section 110445. National Directory of New Hires. This section was amended to identify the Family Code as the authority cited.

Section 111420. Record Maintenance. This section specifies which records and information are necessary for the administration of the Title IV-D program (child support enforcement program). In response to a public comment, Section 111420 was amended to require each local child support agency to maintain the date of each record necessary for the administration of the Title IV-D program.

Section 111430. Safeguarding and Confidentiality of Child and Spousal Support Information. This section specifies which Title IV-D information is considered confidential and must be safeguarded. Subsection (a) specifies that child and spousal support information used in the administration of the Title IV-D Program is confidential and cannot be disclosed unless expressly authorized. This subsection also specifies what constitutes “information.” Subsection (a) was amended to clarify that records cannot be disclosed for any purpose not directly connected with the administration of the child and spousal support enforcement program, unless expressly authorized under Article 5. This is necessary to remain consistent with state and federal law.

Section 111440. Disclosure of Information. This section specifies the information that may be disclosed, notwithstanding Section 111430, and the entities to whom disclosure of confidential information may be made. Subparagraph (a)(1) was amended to clarify that information may be disclosed to other entities not specifically identified under Section 111440, as permitted by state or federal law. In response to a public comment, subparagraph (a)(5) was amended to clarify that only the payment history of an obligor pursuant to a support order may be disclosed to the obligor, court, or person on whose behalf enforcement actions are being taken, or to his/her designee, if that designee has written authorization. This is also consistent with Section 17212, Family Code. Subparagraph (a)(6) was amended to clarify that income and expense information of either parent may be disclosed to the other parent or custodial party for the purpose of establishing or modifying a child support order. In response to a public comment, subparagraph (a)(7) was amended to clarify that a person having custody of the child may have medical insurance information disclosed for the purpose of

establishing, modifying, or enforcing a medical support order. Subparagraph (a)(11) was amended to add the reference to state law for clarification.

Subsection (b) prohibits the disclosure of information and/or the whereabouts of a party for the reasons specified in subparagraphs (b)(1) through (3). Subparagraph (b)(2) was amended to add a reference to Welfare and Institutions Code, Section 14008.6 for a good cause claim. The Reference citations for this section were also amended to add the reference to Welfare and Institutions Code, Section 14008.6.

Section 111460. Record Disposal. This section specifies record disposal requirements. Subsection (d) requires the destruction of records containing criminal history information not related to a parent's failure to pay child support within four years and four months of the date the case was closed. A minor punctuation amendment was made to subsection (d) to include an apostrophe in the word "parent's."

Section 111542. Ombudsperson Responsibilities. This section specifies the responsibilities of the Ombudsperson and clarifies that the Ombudsperson Program will provide assistance to custodial parties, noncustodial parents, employers and the public. Subsection (a) requires the Ombudsperson Program to provide assistance to customers on inquires about the child support program, local complaint resolution process and state hearings. A technical amendment was made to reorganize the information contained in subsection (a) to include prior subsections (a) through (e) as subparagraphs (a)(1) through (5). Subparagraph (a)(4) was amended to clarify the Ombudsperson will assist custodial parties and noncustodial parents in navigating through the local complaint resolution and state hearing processes. This is necessary to clarify that the Ombudsperson will assist the customer in navigating through the process, but will not represent the customer. Subparagraph (a)(6) was added to require the Ombudsperson to refer customers to the Family Law Facilitator or local legal aid office, as appropriate or upon request. This is necessary to provide customers with alternatives for assistance with the state hearing process since the Ombudsperson cannot represent the customer. Subsection (b) was added to require the Ombudsperson to be the liaison with the State Hearing Office to arrange for a hearing facility in the county. This is necessary to mandate a single point of contact at the local child support agency for the State Hearing Office to contact regarding the hearing facility.

Section 111543. Data Collection and Information Reporting. This section specifies the requirements for gathering uniform information for the purpose of evaluating and improving customer service in the child support program and improving the overall effectiveness of the program.

Subsection (a) requires that the Ombudsperson Program assess customer satisfaction with the local child support agency's actions regarding customers' inquiries, issues, disputes, or complaints with the local child support agency. A minor grammatical amendment was made to subsection (a) to replace the word "their" with "his/her."

Subsection (b) initially required the Ombudsperson Program to compile, maintain, and report to the Department within ten (10) business days after the end of the calendar quarter, the number and type of inquiries, issues, disputes, and/or complaints received by the Ombudsperson. This requirement was necessary to adequately evaluate the performance of the local child support agencies and to determine whether modification of practices is appropriate. Subsection (b) was amended to change the reporting time frame from ten (10) business days to fifteen business days after the end of the calendar quarter. The new time frame was chosen to ensure the Ombudsperson has adequate time to compile and report the information specified in this section, and to maintain the original intent of prompt reporting in the event there are any customer service problems the Department should take action to address.

Section 120003. Complaint Receipt Date. Section 120003 defines “complaint receipt date.” This section was amended to clarify that a complaint receipt date includes the date a local child support agency receives a transferred complaint from another county. Subparagraph (a)(1) was amended to delete the reference to a complaint transfer for determining when a written complaint is postmarked. This is necessary because subparagraph (a)(1) only pertains to a complaint mailed by the complainant, not a transferred complaint.

Section 120100. General Provisions. This section requires local child support agencies to maintain a complaint resolution process. Subsection (a) specifies each local child support agency’s responsibility to implement the complaint resolution process. Subparagraph (a)(4) was added to require each local child support agency to track and report complaints in the Department’s complaint resolution tracking system. This is necessary to maintain one data base for uniformity and consistency for child support complaint information statewide.

Section 120101. Right to Complaint Resolution. This section specifies the complainant’s right to complaint resolution. Subparagraph (a)(1) was amended to clarify that a complaint cannot be about a child support matter which must be addressed by motion, order to show cause, or appeal in a court of law, unless an administrative review is provided for by statute.

Subparagraph (b)(2)(A) was amended to reference the current version of the “Request for Complaint Resolution,” LCR001, dated (12/01). Subparagraph (b)(2)(B) was amended to reference the current version of the “Request for Complaint Resolution,” LCR001, dated (12/01). Subsection (c) was amended to replace the word “all” with “the” for information required by subparagraph (b)(3)(B). Subsection (c) was further amended to delete the reference to subparagraph (b)(3)(A) and (C). The Department concluded that a local child support agency cannot reasonably be expected to act on a complaint that does not include the complainant’s name and address [(b)(3)(A)] and a description of the complaint [(b)(3)(C)].

Section 120102. Written Complaint Acknowledgement. Section 120102 specifies the requirements for acknowledging a complaint. Section 120102 was amended to

reference the current versions of the “Request for Complaint Resolution Acknowledgement,” LCR002, dated (10/01) and the “Request for State Hearing,” SH001, dated (10/01).

Section 120103. Complaint Investigation. This section specifies a local child support agency’s responsibility for complaint investigation. Subsection (a) requires each local child support agency to assign a complaint investigator, who shall not be the individual whose action or inaction is the subject of the complaint, to investigate a complaint. Subsection (a) was amended to include an Ombudsperson as an individual who cannot be assigned as a complaint investigator. This is necessary to ensure a separation of duties between the Ombudsperson and the complaint resolution process, and is consistent with all prior instructions given to the local child support agencies about the proper role of an Ombudsperson.

Subparagraph (b)(1) requires a local child support agency to notify a complainant in writing if the complaint is outside the jurisdiction of the child support program, by mailing the notice required by Section 120105, within 30 days of the complaint receipt date. Subparagraph (b)(1) was amended to clarify that if a complaint falls under one of the categories outlined in Section 120101(a), which are outside the scope of the complaint resolution process, the complainant shall be notified by mail that the complaint cannot be resolved by the local child support agency through this process. Subparagraph (b)(1) was further amended to require the local child support agency to mail the notice required by Section 120105 immediately, but in no event more than 30 days after the complaint receipt date if the complaint is outside the jurisdiction of the child support program or is one of the issues outlined in Section 120101(a). This is necessary to encourage local child support agencies to send prompt notice to a complainant when the local child support agency is not going to resolve the complaint.

A technical amendment was made to subparagraph (b)(2) to reference Section 120104 rather than 120105 regarding the notice to be sent to the complainant when a complaint is transferred to another county. This is consistent with Section 120104. Subparagraph (b)(3) was added to require the local child support agency to notify the complainant by mail within 30 days of the complaint receipt date if the complaint is not eligible for complaint resolution because the complaint was filed untimely. The amendment expressly does not prohibit the local child support agency from trying to assist the complainant to resolve the complaint or other issues that are not subject to the local complaint resolution process. This is necessary to specify the action a local child support agency must take when the complaint was filed untimely.

Subsection (c) requires a complaint investigator to discuss and clarify the basis of a complaint with a complainant and to attempt to resolve the complaint. Subsection (c) was amended to delete the words “if necessary” when the complaint investigator discusses and clarifies the basis of the complaint with the complainant. This is necessary to ensure the complainant and the complaint investigator share the same understanding of the basis of the complaint, making the process considerably more effective. Subparagraph (c)(1) was amended to reference the current version of the

“Complaint Amendment Form,” LCR003, dated (10/01) as the form for the local child support agency to document complaint information. Subparagraph (c)(1) was further amended with minor wording changes to state that if a complaint is amended, the requirements of Section 120105 shall still apply based on the original complaint receipt date. Subparagraph (c)(3) clarifies the activities required by a complaint investigator if a complaint is not resolved with a complainant during the initial complaint investigation discussion. Subparagraph (c)(3) was amended to clarify that the complaint investigator shall take specific steps, as appropriate, rather than as necessary, if the complaint is not resolved to the satisfaction of the complainant.

Section 120104. Complaint Transfer. This section specifies a local child support agency’s responsibility for transferring complaints to the appropriate jurisdiction as necessary. Subparagraph (a)(1) was amended to reference the current version of the “Complaint Transfer,” LCR004, dated (10/01) as the form for a local child support agency to document complaint transfer information. A grammatical change was also made to subparagraph (a)(1) to change the word “relative” to “relevant.”

Subsection (c) specifies the process for determining proper jurisdiction of a complaint if the transferring and receiving local child support agencies cannot agree as to proper jurisdiction for a complaint. Subsection (c) was amended to clarify that if the Department determines the jurisdiction for the complaint belongs to the transferring county, the complaint receipt date shall continue to be the date the local child support agency initially received the complaint pursuant to Section 120003, and if the Department determines the jurisdiction for the complaint belongs to the receiving county, the complaint receipt date is the date the receiving county received the LCR004 from the transferring county. This is necessary to preserve the time frame for complaint resolution if the local child support agency attempts to transfer the complaint in error, and to also preserve the complaint resolution time frame for a local child support agency that receives a transferred complaint.

Section 120105. Notice of Complaint Resolution/Complaint Extension. This section specifies a local child support agency’s responsibility to provide written notice to a complainant of complaint resolution or extension, and the time frame within which such notice must be provided. Subsection (a) was amended to reference the current versions of the “Notice of Complaint Resolution,” LCR006, dated (10/01), and the “Request for State Hearing,” SH001, dated (10/01) as the forms for a local child support agency to mail to a complainant no later than 30 days after a complaint receipt date. Subparagraph (a)(2) requires the LCR006 to describe the local child support agency’s complaint resolution decision. Subparagraph (a)(2) was amended to add the requirement for the local child support agency to document on the LCR006, the reason the local child support agency believes the complaint is not eligible for complaint resolution, if applicable, or the reason complaint resolution cannot be completed by the local child support agency. This is necessary to ensure the complainant is informed of the local child support agency’s decision concerning the complaint, and their right to request a state hearing.

Subsection (b) permits the director of a local child support agency to grant a one-time extension of the complaint resolution period on a case-by-case basis, up to maximum of 30 days, if the director of the local child support agency determines more time is needed to resolve a complaint. Subsection (b) was amended to allow the director of the local child support agency in his/her absence, to appoint a designee to grant the one-time extension. This is necessary to provide minimum flexibility to allow the local child support agency to grant a necessary extension when the director is unavailable. The Department amended subsection (b), consistent with instructions issued pursuant to CSS Letter 01-25, to require the local child support agency to exercise due diligence in attempting to resolve all complaints within 30 days of the complaint receipt date, and to only take an extension under extraordinary circumstances. Subsection (b) was further amended to require the local child support agency rather than the director of the local child support agency to perform both of the actions in subparagraphs (b)(1) and (2). This is necessary to not restrict these ministerial actions to just the director of the local child support agency. Subparagraph (b)(1) was amended to reference the current version of the "Notice of Complaint Resolution Extension," LCR005, dated (10/01) as the form for the local child support agency to mail to a complainant and the State Hearing Office no later than 30 days after the complaint receipt date. Subparagraph (b)(1) was also amended to reference that a designee appointed by the director of the local child support agency may sign the LCR005. This is necessary for consistency purposes. Subparagraph (b)(2) was amended to reference the current version of the "Notice of Complaint Resolution," LCR006, dated (10/01) as the form for a local child support agency to mail to a complainant no later than 60 days from the complaint receipt if an extension of the complaint resolution period has been taken.

Subsection (c) requires a local child support agency to notify a complainant in writing of the information that is needed to resolve a complaint if the local child support agency is unable to initiate or complete a complaint investigation due to lack of information from the complainant, and the complaint investigator was unable to obtain the required information during discussion with the complainant pursuant to Section 120103(c). In response to a public comment, subsection (c) was amended to require the local child support agency to make one last verbal contact with the complainant to try to obtain information required to resolve a complaint. If the results of the verbal contact are unsuccessful, the local child support agency must notify the complainant in writing of the information needed to resolve the complaint, and explain that the failure of the complainant to provide the information will result in the complaint being closed. If the local child support agency does not receive the information necessary to resolve the complaint, the local child support agency must send the complainant a "Notice of Complaint Resolution," LCR006, dated (10/01) that explains the reason for closing the complaint, no later than 30 days after the complaint receipt date. This is necessary to ensure the local child support agency exercises due diligence to try to resolve a complaint and to preserve the 30 day complaint resolution time frame.

Section 120106. Complaint Resolution Process Closure. This section specifies the process for closing complaints. This section was amended to reorganize and renumber

prior subsections (a) through (d) to subparagraphs (a)(1) through (4) because a new subsection (b) was added.

Subsection (b) was added to permit a local child support agency to close a complaint that was transferred pursuant to Section 120104 if the complaint was not returned to the agency pursuant to Section 120104(c). This is necessary to enable the local child support agency to maintain an accurate record of complaints for which it is responsible to resolve.

Section 120107. Maintenance of Complaint Information. This section specifies the requirements for a local child support agency to compile and maintain the complaint information enumerated in subsections (a) through (e). Subsection (e) was amended to reference the current versions of the “Request for Complaint Resolution Acknowledgement,” LCR002, dated (10/01), and the “Notice of Complaint Resolution,” LCR006, dated (10/01) as the forms for which the local child support agency must compile and maintain information regarding the dates the forms were mailed to a complainant. Subsection (e) was further amended to add the requirement that a local child support agency compile and maintain the dates the following additional forms were mailed to the complainant: 1) the “Complaint Amendment,” LCR003, dated (10/01), if applicable, 2) the “Complaint Transfer,” LCR004, dated (10/01), if applicable, and 3) the “Notice of Complaint Resolution Extension,” LCR005, dated (10/01). This is necessary to ensure full and complete information is maintained as to all of the actions the local child support agency took during the complaint resolution process.

Section 120108. Complaint Information Reporting. This section specifies the requirements for a local child support agency to report complaint information to the Department. This section specifies that each local child support agency must report to the Department, the information enumerated in subsections (a) through (f) and originally required the local child support agency to report the information within ten (10) business days after the end of each calendar quarter. Section 120108 was amended to change the reporting time for a local child support agency to provide a written report of the information specified in subsections (a) through (f) from ten (10) business days to 15 business days after the end of each calendar quarter. The new time frame was chosen to allow the local child support agency sufficient time to compile the information, and is consistent with the time frame for submitting the Ombudsperson report pursuant to Section 111543.

Subsection (c) requires each local child support agency to report the number and percentage of complaints closed pursuant to Section 120106 within 60 days of a complaint receipt date, if complaint resolution was extended pursuant to Section 120105. Subsection (d) requires each local child support agency to report the number and percentage of complaints that have not been closed pursuant to Section 120106 within 30 days of a complaint receipt date, or within 60 days of a complaint receipt if the complaint resolution period was extended pursuant to Section 120105. Technical amendments were made to subsections (c) and (d) to reference subsection (a) of

Section 120106 for complaints that are closed. The change was necessary as a result of the reorganization done to Section 120106.

Section 120201. Right to a State Hearing. This section specifies a complainant's right to a State Hearing, the subject matters that are eligible or ineligible for a State Hearing, the prerequisite to request a State Hearing, and the time frame and process to request a State Hearing. Subsection (a) specifies that a complainant who is dissatisfied with the outcome of the complaint resolution process has the right to request a State Hearing for any one or more of the actions or failures to take action by a local child support agency or the Franchise Tax Board enumerated in subparagraphs (a)(1) through (4). Subparagraph (a)(3)(A) was added to specify that state hearing jurisdiction does not extend to arrears issues if there is no dispute as to the accounting of the amount owed, if the complaint is seeking relief from enforcement of the order or judgment, or if the complaint is seeking credit for payments that were made to someone other than the local child support agency. This is necessary to specify the limited scope of state hearings related to arrears issues, and is consistent with the requirements of Section 17801, Family Code. Subparagraph (a)(3)(B) was added to specify that a complainant is not entitled to request a state hearing and a court review at the same time. The local child support agency must notify the State Hearing Office if the complainant or the other party files for a court determination of arrears either before or after a state hearing is requested. Any state hearing that has been requested on the same issues will be dismissed. This is necessary because the state hearing process is not intended to override or circumvent the actions of the court. Subparagraph (a)(3)(C) was added to specify that the local child support agency is not required to give notice to the non-complaining party of a state hearing that concerns the calculation of arrears. However, in order to protect the property rights of the parties, the local child support agency is required to send the non-complaining party a copy of any hearing decision, in which the calculation of arrears is at issue, and provide notice of the right to have the arrears issue heard in court. This is necessary to protect the property rights of the parties. In response to a public comment, subparagraph (a)(3)(C) requires the local child support to redact all confidential information, including the complaining party's address, prior to sending the hearing decision to the non-complaining party. Subparagraphs (a)(3)(A) through (C) are consistent with instructions provided to local child support agencies pursuant to CSS Letter 01-25.

Subsection (c) requires a complainant to exhaust the local complaint resolution process prior to requesting a State Hearing, unless a local child support agency has not, within the time frames specified in Section 120105, submitted a written resolution of a complaint to the complainant. Subsection (c) was amended to add the provision that only a complaint that was raised in the local complaint resolution process can be raised in a state hearing. This is necessary to remain consistent with Family Code, Section 17801 which requires the complainant to exhaust the complaint resolution process prior to requesting a state hearing.

Subparagraph (d)(1) was amended to reference the current version of the "Request for State Hearing, SH001, dated (10/01) as the form to use when requesting a state

hearing in writing. Subparagraph (d)(2)(A) was amended to delete the reference to the date the local child support agency transferred the complaint to another county if that county failed to resolve the complaint within 30 days of the complaint transfer. This deletion is necessary to avoid duplication, since subparagraph (d)(2)(C) pertains to transferred complaints. Subparagraph (d)(2)(A) was further amended to add the provisions that there is a rebuttable presumption that the complainant received a “Notice of Complaint Resolution,” LCR006, dated (10/01), five (5) business days after the postmark date of the LCR006. This is necessary to give the complainant the opportunity to present evidence to the Administrative Law Judge that the LCR006 was not received by a specified date, thereby allowing the complainant an opportunity for a state hearing. Subparagraph (d)(2)(B) was amended to reference the current version of the “Notice of Complaint Resolution,” LCR006, dated (10/01). Subparagraph (d)(2)(C) was amended to reference the current versions of the “Complaint Transfer,” LCR004, dated (10/01), and the “Notice of Complaint Resolution,” LCR006, dated (10/01). Subparagraph (d)(2)(C) was further amended with minor grammatical changes. Subparagraph (d)(2)(D) was added to specify an additional time frame from which the 90 days starts to request a state hearing, as being the date the complainant received the “Notice of Complaint Resolution Extension,” LCR005, dated (10/01) from the local child support agency that took an extension pursuant to Section 120105, if the local child support agency has not issued a “Notice of Complaint Resolution,” LCR006, dated (10/01) within 60 days from the complaint receipt date. This is necessary to protect the state hearing rights of the complainant. Subparagraph (d)(3) specifies the information that should be included in a request for a state hearing. Subparagraph (d)(3) was amended to add a reference to subsection (B) of Section 120101(b)(3) and to change the word “all” to “the” regarding the information specified in Section 120101(b)(3)(B), to clarify that a request for a state hearing, at a minimum, needs to include the complainant’s name and address, and a description of the complainant. This is necessary to give the State Hearing Office and the local child support agency sufficient information to prepare for a hearing.

Subsection (e) was added to specify the process for a local child support agency to follow if the agency receives a “Request for State Hearing,” SH001, dated (10/01) directly from a complainant. This is necessary to ensure that one process is followed by all local child support agencies when an SH001 is received in error, and to protect the complainant’s time frame for filing the SH001.

Section 120202. Scheduling the State Hearing. This section specifies the requirements for scheduling and holding a state hearing. Subsection (b) clarifies that a state hearing will be held either by telephone, or in person within a complainant’s county of residence, unless a complainant requests the hearing be held in another California county. Grammatical changes were made to subsection (b) to clarify that telephone hearings can be held for complainants who reside in California as well as those outside the state.

Section 120204. Local Child Support Agency Responsibilities. This section specifies the responsibilities of a local child support agency pertaining to the State

Hearing process. Subparagraphs (a)(1) through (5) were renumbered to subparagraphs (a)(3) through (10). Subparagraph (a)(1) was added to require the local child support to attempt to resolve a complaint to the satisfaction of the complainant during the local complaint resolution process and prior to the state hearing. This is declarative of existing requirements, but the Department determined that this point needed to be reiterated to ensure complete, uniform understanding that the goal is to resolve complaints early, thus removing the need for a state hearing. In response to a public comment, subparagraph (a)(2) was added to require the local child support agency to provide the complainant with Department-approved informational materials regarding the state hearing process.

Subparagraph (a)(6) was amended to clarify that the local child support agency report any changes in the complainant's address or other circumstances that might affect the conduct of the state hearing to the State Hearing Office.

Subparagraph (a)(7) requires a local child support agency to prepare a typewritten position statement. Subparagraph (a)(7)(B) was amended to clarify that Franchise Tax Board's action or inaction should be included in the typewritten position statement. This is necessary because a Franchise Tax Board action/inaction regarding a child support case can be the subject of a complaint. Subparagraph (a)(7)(D) was amended to clarify that copies of any forms prepared or submitted as part of the complaint resolution process must be included in the position statement. This is necessary to ensure all pertinent information is available at the hearing.

Subparagraph (a)(8) requires a local child support agency to mail a position statement and pertinent documents to a complainant at least five (5) business days prior to a scheduled hearing. Subparagraph (a)(8) was amended to reference subsection (7) as a result of the renumbering of subsection (a). Subparagraph (a)(8) was further amended to add the requirement that the local child support agency also mail the position statement to the State Hearing Office at least five (5) business days prior to the scheduled hearing. This is necessary to ensure the State Hearing Office receives the position statement prior to the hearing so that the Administrative Law Judge may have the opportunity to become familiar with the issues in advance.

Subparagraph (a)(9) requires a local child support agency to assign a local child support agency representative to present the case at a State Hearing. Subparagraph (a)(9) was amended to further clarify the requirement that the local child support agency representative provide a copy of the position statement at the state hearing. This is necessary to ensure a copy of the position statement is available at the hearing. Subparagraph (a)(9) was further amended to clarify that the Ombudsperson cannot be the local child support agency representative at the state hearing. This is necessary to ensure a separation of duties between the Ombudsperson and the complaint resolution and state hearing processes, and is consistent with Section 120103.

Subparagraph (a)(10) requires a local child support agency to provide to the State Hearing Office, the name of the local child support agency representative responsible

for presenting a case at a State Hearing. Subparagraph (a)(10) was amended to reference subparagraph (9) as a result of the renumbering of subsection (a), and to delete wording, “who in coordination with the State Hearing Office, is responsible for discharging the requirements of this Article.” This wording was determined to be unnecessary.

Subparagraph (a)(11) was added to require the local child support agency to review a state hearing request to make a preliminary determination of whether the non-complaining party should be noticed of the state hearing to protect his or her rights or interests as previously required by CSS Letter 01-25. Subparagraph (a)(11)(A) was added to require the local child support agency request the State Hearing Office to issue a subpoena for the non-complaining party to appear at the hearing if the local child support agency determines the party should receive notice in order to protect the party’s rights or interests. Subparagraph (a)(11)(B) was added to require the local child support agency to inform the State Hearing Office if the non-complaining party may appear at the hearing. This is necessary for the State Hearing Office to arrange for one of the parties to appear by telephone and is consistent with subparagraph (a)(11)(D). Subparagraph (a)(11)(C) was added to require the local child support agency to notify the State Hearing Office of any domestic violence history of the parties. This is necessary to arrange for one of the parties to appear by telephone and is consistent with subparagraph (a)(11)(D). Subparagraph (a)(11)(D) was added to give the State Hearing Office the authority to arrange for one of the parties to appear by telephone whenever possible. This is necessary to permit both parties to appear and to limit the number of hearings where both parties must appear in person.

Subparagraph (b)(5) requires a local child support agency representative to make available at a hearing, the case record documents that are not confidential and are relevant to a complaint. In response to a public comment, subparagraph (b)(5) was amended to clarify that case record documents that are not confidential, or for which disclosure is authorized under Section 111440, and are relevant to the complaint, shall be made available at the state hearing as necessary.

Subsection (c) specifies the requirements for a state hearing that is held in a county other than the county responsible for the case. Subsection (c) was amended to require the responsible local child support agency to ensure a copy of the position statement is available at the local child support agency office where the hearing is to be held, if the hearing is in another county, at least two (2) business days before the hearing. This is necessary to provide the complainant an opportunity to obtain the position statement in-person in the county where the hearing will be held. Requiring the complainant to go to the county responsible for the case would not meet the Department’s goal of customer service.

Subparagraph (c)(2) authorizes a local child support agency responsible for a case to submit a written position to the State Hearing Office, and have a local child support agency representative who has the authority to make binding agreements and stipulations on behalf of the local child support agency participate by telephone during

the hearing. Subparagraph (c)(2) was amended to clarify that a local child support agency representative may appear by telephone during a state hearing, and that such appearance was not only for the purpose of making binding agreements. Subparagraph (c)(2) was further amended to add the provision that a local child support agency representative who appears by telephone has all of the same responsibilities as if appearing in person. Because of the amendment to subparagraph (a)(8), the language requiring the position statement to the State Hearing Office was deleted.

Subparagraph (c)(3) authorizes a local child support agency to send the original case record information relative to a complaint, or a certified copy thereof, to a local child support agency in the county where the hearing is to be held with the request that the other county represent the responsible local child support agency at the hearing. A technical amendment was made to subparagraph (c)(3) to reference subparagraph (a)(7) rather than (a)(5).

Section 120206. State Hearing – General Rules. This section specifies the general rules of a State Hearing. Subsection (a) limits the attendance at a State Hearing to a complainant, authorized representative, local child support agency representative, Franchise Tax Board representative, certified interpreter, and witnesses relevant to the issue. A technical amendment was made to subsection (a) to delete the words “if any” when referring to the complainant’s authorized representative, as this phrase is unnecessary.

Subsection (b) requires a complainant or an authorized representative, to appear at a state hearing, unless the hearing is a rehearing or further hearing. Subsection (b) was amended to clarify that the appearance by the complainant or authorized representative may be in person or by telephone. Subsection (b) was further amended to allow the State Hearing Office to determine whether the appearance of the complainant or authorized representative is necessary for a rehearing or further hearing. This is necessary because there may be circumstances when the State Hearing Office determines the complainant or authorized representative need to appear at the rehearing.

Subsection (f) limits the issues at a hearing to be those issues previously identified in the “Request for State Hearing,” SH001, and that are issues specified in Section 120201(a). Subsection (f) was amended to clarify that the issues for hearing are those previously identified by the complainant on the SH001 or documented by the State Hearing Office from a verbal request for a state hearing by the complainant. This is necessary because Section 120201 authorizes the request for a state hearing to be made orally, and the original drafting of subsection (f) assumed receipt of a written request. Subsection (f) was further amended to once again clarify that only a complaint that was raised in the local complaint resolution process can be raised in a state hearing. This is necessary to be consistent with Family Code, Section 17800 which requires the complainant to exhaust the complaint resolution process prior to requesting

a state hearing. Subparagraphs (f)(3)(A) and (f)(3)(B) were amended with minor punctuation amendments.

Subsection (g) requires the State Hearing Office to provide an interpreter, if one is requested by a complainant or an authorized representative prior to the hearing, or if at a hearing, an Administrative Law Judge determines that an interpreter is necessary. An Administrative Law Judge is required to perform the actions enumerated in subparagraphs (g)(1) through (4) regarding an interpreter to assure accurate and objective interpretation in the complainants primary language. A technical amendment was made to subparagraph (g)(3)(D) to delete the reference to “any other individual,” so that the sentence was grammatically correct.

Section 120207. Evidence. This section requires an Administrative Law Judge to determine the manner in which evidence will be taken at a State Hearing, specify the type of evidence that will be admitted at a State Hearing, and to recognize the existence and truth of certain facts. A technical amendment was made to subparagraph (d)(4) to insert the word “of” and to reference Section 120210(c) rather than 120210(d).

Subsection (f) was added to specify that the standard of review of whether a local child support agency acted properly in its exercise of discretion where the action or inaction that is the subject of the complaint is discretionary, is whether the local child support agency’s discretion was arbitrary and capricious. This is necessary to specify the standard to be used by an Administrative Law Judge in determining whether a local child support agency action was appropriate or not.

Section 120208. Examination of Records and Issuance of Subpoenas. This section specifies the requirements for examination of confidential and nonconfidential information or records and the conditions under which the State Hearing Office or Administrative Law Judge is permitted to issue subpoenas. Subsection (a) gives a complainant the right to examine non-confidential portions of a case record, or non-confidential information a local child support agency used to make its decision, during regular business hours. In response to a public comment, subsection (a) was amended to clarify that a complainant has the right to examine non-confidential portions of the case record, portions for which disclosure is authorized under Section 111440, or non-confidential information the local child support agency used to make its decision. A technical amendment was made to subsection (a) to delete the provision that permitted a complainant to inspect portions of the case record that are confidential, only if permitted by Chapter 1, Subchapter 1, Article 5, Records Management because of the prior amendment.

Subsection (c) and subparagraph (c)(1) permits the State Hearing Office to issue a subpoena requiring the presence of any witness whose expected testimony has been shown to be relevant, and not cumulative or unduly repetitious. A technical amendment was made to subsection (c) to clarify that the State Hearing Office has the power to issue either or both of the subpoenas described in subparagraphs (c)(1) and (2).

Subparagraphs (c)(1) and (2) and (c)(2)(B) were amended with minor grammatical amendments.

A technical amendment was made to the reference citations for Section 120208 to delete the reference to Family Code, Section 17212, and Government Code, Section 6253.

Section 120209. Witness Fees and Mileage. This section specifies the allowable witness fees and mileage for witnesses who are subpoenaed and appear at the hearing. Subsection (b) was amended with a minor punctuation amendment.

Section 120210. Postponements and Continuances. This section specifies what constitutes good cause for the State Hearing Office to postpone a state hearing; the conditions under which an Administrative Law Judge may grant a continuance of a State Hearing; and the timeframe and notice requirements for postponing, continuing or reopening a hearing. Subsection (a) gives the State Hearing Office the authority to postpone a hearing for good cause as enumerated in subparagraphs (a)(1) through (7). Subparagraph (a)(5) was amended to clarify that a postponement based on the local child support agency's failure to provide a position statement or amendment to a position statement may only be sought by the complainant. Subparagraph (a)(6) was amended to make a technical correction replacing the word "complaint" with "request for state hearing." The reference to MPP 22-053 is incomplete in the initial statement of reasons, and is being updated in this final statement of reasons to include reference to MPP Sections 22-053.13, 22-053.131, 22-053.14, 22-053.141, 22-053.142, 22-053.15, 22-053.16, and 22-053.161 through .165.

Subsection (b) gives an Administrative Law Judge the authority to grant a continuance of a state hearing for additional evidence or close the hearing and hold the record open for a stated period not to exceed 30 days, in order to permit the submission of additional documentary evidence. In response to a public comment, subsection (b) was amended to clarify that the time frame for an Administrative Law Judge to grant a continuance of a hearing shall be for a stated period not to exceed 30 days.

Subsection (c) requires the State Hearing Office to mail or give written notice to a complainant that explains the hearing date may be put off for a period not to exceed 30 days when a hearing is postponed, continued or reopened at the complainant's request. Subsection (c) was amended to delete the terminology which incorrectly suggests that the continuance, postponement, or reopening may only be at the complainant's request, and to require notice to all the parties rather than just the complainant of a hearing that is postponed, continued or reopened. This is necessary because subsection (a) authorizes continuances or postponements at the request of either party, and the Administrative Law Judge may reopen the record on his or her own, and the subsection as written did not appear to acknowledge that.

Section 120211. Dismissals. This section specifies the circumstances under which the State Hearing Office shall dismiss a state hearing request. Subparagraph (a)(2)

was deleted because the hearing request cannot be abandoned prior to the hearing. Subparagraphs (a)(3) through (6) were subsequently renumbered to (a)(2) through (5).

Subsection (b) requires the State Hearing Office to notify a complainant by mail regarding the reason(s) for a hearing dismissal permitted by subsection (a), and that a dismissal shall occur 15 days after the notice is sent, unless the complainant sets forth further facts and/or arguments orally or in writing, that would indicate the matter should not be dismissed. Subsection (b) was amended to reference subsections (a)(2) through (5) and to add the clarification that the procedure for dismissing a case prior to a hearing based upon the complainant's withdrawal is set forth in Section 120212.

Subsection (c) specifies when the Administrative Law Judge shall dismiss a hearing request by a proposed decision. Subparagraph (c)(1) was amended to clarify that this paragraph does not apply to abandonments and that the provisions for dismissing hearing requests based upon abandonment by the complainant is set forth in Section 120213. Subparagraph (c)(1) applies to cases in which the complainant appears at the hearing, but is silent or otherwise refuses to address the substance of the complaint.

Section 120212. Withdrawals. This section specifies a complainant's right to withdraw a hearing request. Subsection (b) requires the State Hearing Office to immediately dismiss a hearing request upon receipt of an unconditional withdrawal of a hearing request. The initial statement of reasons incorrectly referenced MPP 22-054.211(b)(1), therefore this final statement of reasons is being updated to delete the reference.

Subsection (c) requires a conditional withdrawal of a hearing to include a signed agreement between a complainant and a local child support agency. Subsection (c) was amended to change the word "provision" to "subsection" to clearly identify what is intended. Subsection (c) was further amended to make a grammatical correction and make clear that the 90 days to reinstate a hearing request after a conditional withdrawal runs from the receipt of the local child support agency notice of action(s).

Section 120213. Abandonment. This section specifies what constitutes the abandonment of a hearing request and the conditions under which a hearing request may be reinstated.

Subsection (b) was amended to provide that dismissal of a hearing request based on abandonment shall be handled in essentially the same manner as dismissals prior to hearing pursuant to Section 120211. Subsection (b) therefore requires the State Hearing Office, prior to dismissing a hearing, to notify the complainant by mail that the matter will be dismissed on the failure of the complainant or authorized representative to appear, and that the hearing will be dismissed 15 days after the notice is sent unless the complainant requests the hearing request be reinstated and establishes good cause for failing to appear. This is necessary to give complainant's adequate time to explain their absence and request a new hearing.

The provision that the State Hearing Office has the authority to request a written declaration or other verification from the complainant to support the reason(s) for the nonappearance was moved from subsection (b) to subparagraph (b)(1). Subparagraph (b)(2) was added to specify the process for dismissal if the complainant contacts the State Hearing Office and offers an excuse for nonappearance, but fails to establish good cause. This is also consistent with the provisions of Section 120211.

Subparagraph (b)(3) was added to specify that if the complainant fails to respond to the notification sent by the State Hearing Office stating that the hearing will be dismissed within the time allotted, the notice sent shall serve as notice of dismissal. This is necessary to specify the process for dismissing a hearing requesting where the complainant does not appear and does not respond to the notice regarding the potential dismissal of the hearing, and is consistent with the provisions of Section 120211.

Subsection (c) was deleted as a result of the amendments contained in subsection (b).

Section 120214. Disqualification of an Administrative Law Judge. This section specifies when an Administrative Law Judge must voluntarily withdraw from a State Hearing and the circumstances under which a party may request that an Administrative Law Judge be disqualified, and the impact of the Administrative Law Judge's disqualification on the hearing. Subsection (c) requires the Administrative Law Judge to postpone the hearing with good cause, if at the beginning or during a hearing, the Administrative Law Judge upholds a party's motion for disqualification of the Administrative Law Judge. Subsection (c) was amended to limit the postponement to no more than 30 days and to require a different Administrative Law Judge be assigned. Thirty days was chosen to be consistent with the time frames for postponements and continuances set forth in Section 120210. Subsection (c) was further amended with a minor grammatical change to change the word "a" to "an."

Section 120215. Communications From a Party After the Hearing. This section specifies how communications from a party shall be handled. A technical amendment was made to delete the wording "at the hearing" when referring to the record being closed, because the record may be closed subsequent to the hearing.

Section 120216. Submission of Proposed Decision. This section specifies the process and timeframe for an Administrative Law Judge to submit a proposed State Hearing decision to the Director or Director's designee for adoption. Subsection (a) requires an Administrative Law Judge to submit a proposed decision to the Director or Director's designee within ten (10) business days of the close of the hearing record. Subsection (a) was amended with a minor grammatical amendment to insert the word "the" before "hearing."

Subsection (b) requires the State Hearing Office to assign another Administrative Law Judge to prepare the proposed decision on the record if the Administrative Law Judge who heard the case is unavailable to prepare the proposed decision due to any one of the circumstances enumerated in subparagraphs (b)(1) through (4). The initial

statement of reasons was incomplete in that it did not reference to MPP 22-061.22, so this final statement of reasons is being updated to include the reference.

Section 120217. Action by the Director or Director's Designee. This section specifies the actions required by the Director or the Director's designee regarding a proposed hearing decision. Subparagraph (a)(2) was amended to clarify the dispute must be unresolved for a request for state hearing, as disputes which were resolved to all parties satisfaction during the complaint resolution process are not proper subjects for a state hearing.

Section 120218. Issuance of the Decision. This section specifies the process for issuing a State Hearing decision. Subsection (b) requires the State Hearing Office to include a copy of an Administrative Law Judge's proposed decision with the final decision, if the Director or Director's designee renders an alternate decision, or orders a further hearing. Subsection (b) was amended to delete duplicate statements and instead refer directly back to the time frames described in subsection (a).

Section 120220. Rehearing. This section specifies the processes to request and conduct a rehearing. Subsection (g) requires the Director or Director's designee to perform the actions enumerated in subparagraphs (g)(1) and (2) regarding the conduct of a rehearing, if a rehearing request is granted. A technical amendment was made to subsection (g) to clarify the Director or Director's designee shall do one of the actions contained in subsections (g)(1) or (2), as ordering both would be inconsistent.

Subsection (h) requires a written notice of denial be mailed to a complainant. Subsection (h) was amended to clarify the Director or Director's designee, rather than the State Hearing Office, is required to mail the written notice. The timeframe to provide the notice was amended from 15 days to 20 days after the rehearing request is received by the State Hearing Office to be consistent with the timeframe in subsection (e).

In response to a public comment, subsection (i) was amended to permit a requesting party to withdraw a rehearing request any time.

Subsection (j) prohibits a rehearing decision from being subject to another rehearing, and was amended to clarify that any further appeal must be by petition to the Superior Court under Section 1094.5 of the Code of Civil Procedure.

Section 120221. Compliance with Adopted State Hearing Decision. This section specifies a local child support agency's responsibility to comply with a State Hearing decision, and a complainant's right to contact the Department regarding a local child support agency's compliance with a State Hearing decision. Subsection (a) requires a local child support agency to comply with a State Hearing decision immediately upon receipt of an adopted decision, and to complete the actions enumerated in subparagraphs (a)(1) through (3). Subparagraph (a)(2) was amended to clarify that the local child support agency must comply with the adopted decision even if a rehearing is

requested, unless a request to stay compliance pending rehearing has been requested concurrently with the request for rehearing, and has been granted by the Department.

Subsection (b) requires a local child support agency to submit a compliance report to the Department that sets forth the specific manner in which the local child support agency has complied, or is complying with the order in the adopted decision. The compliance report must be submitted within 30 days of receipt of an adopted decision that is wholly or partially in favor of a complainant. For clarification purposes, subsection (b) was amended to specify that the local child support agency is presumed to have received the adopted decision 15 business days after the decision is adopted by the Director or Director's designee. Fifteen business days was chosen to correspond to the timeframe for mailing the decision contained in Section 120218(a).

Section 120222. Authorized Representative. This section specifies that a complainant has the right to appoint an authorized representative during all aspects of the State Hearing process. Subsection (b) was amended to clarify that an authorized representative be so recognized if a complainant had not authorized the representative in writing and is not present at a hearing, if the authorized representative is the complainant's attorney, guardian or conservator, or has a power of attorney, or if at the hearing, the person swears or affirms under penalty of perjury on the record that the complainant has so authorized him/her to act as the complainant's authorized representative, and an Administrative Law Judge further determines the person is so authorized. This amendment was necessary to clarify that the fact that an individual is an attorney, guardian, or conservator is not sufficient, he or she must be the complainant's attorney, guardian, or conservator.

Subsection (d) requires the State Hearing Office to provide a copy of all notices and decisions concerning a State Hearing to both a complainant and an authorized representative. Subsection (d) was amended to specify the authorized representative has the same rights as the complainant to review the complainant's case record pursuant to Chapter 1, Program Administration, Article 5, Records Management.

Subsection (e) was added to specify that all references in this Article to rights and responsibilities of a complainant in the state hearing process apply to a duly authorized representative unless the authorization is expressly limited.

Forms

The "Request for Complaint Resolution," LCR001, dated (06/01) was repealed, and the Department adopted the revised form, "Request for Complaint Resolution," LCR001 dated (12/01). The Department made a technical amendment to add language to the form that permits the complainant to mail or deliver the form to the local child support agency. This technical amendment was not previously included in the second 15-day renote. The amendment is considered nonsubstantive since it merely makes another option available rather than imposing a requirement.

The “Request for Complaint Resolution Acknowledgement,” LCR002, dated (06/01) was repealed, and the Department adopted the revised form, “Request for Complaint Resolution Acknowledgement,” LCR002, dated (10/01).

The “Complaint Amendment,” LCR003, dated (06/01) was repealed, and the Department adopted the revised form, “Complaint Amendment,” LCR003, dated (10/01).

The “Complaint Transfer,” LCR004, dated (06/01) was repealed, and the Department adopted the revised form, “Complaint Transfer,” LCR004, dated (10/01).

The “Notice of Complaint Resolution Extension,” LCR005, dated (06/01) was repealed, and the Department adopted the revised form, “Notice of Complaint Resolution Extension,” LCR005, dated (10/01).

The “Notice of Complaint Resolution,” LCR006, dated (06/01) was repealed, and the Department adopted the revised form, “Notice of Complaint Resolution,” dated (10/01).

The “Request for State Hearing,” SH001, dated (06/01) was repealed, and the Department adopted the revised form, “Request for State Hearing,” SH001, dated (10/01).

Manual of Policies and Procedures

Section 12-303 was repealed because the regulatory provisions contained in this section were modified and relocated to Article 5 of Subchapter 1 of Chapter 1. Sections 12-712 and 12-1000 through 12-1025 of the MPP were repealed because the regulatory provisions previously contained in these sections were modified and relocated to Article 2 of Chapter 10.

Documents Relied Upon:

In addition to documents listed in the initial statement of reasons, the following documents were relied upon:

- California Department of Social Services Manual of Policies and Procedures, Chapter 22, State Hearing.
- The P3 Project, Policies, Procedures, and Practices, Final Report of the Fair Hearings Workgroup
- CSS Letter 01-25